MANITOBA

ANNUAL REPORT

1983

Office of the
Ombudsman

MANITOBA
OFFICE OF OMBUDSMAN

Fourteenth Annual Report of the OMBUDSMAN

For the period January 1st, 1983--December 31st, 1983

Presented to the Legislature pursuant to Section 42 of The Ombudsman Act

MANITOBA
OFFICE OF THE OMBUDSMAN
Telephone: 774-4491
Room 550 — 500 Portage Avenue
Winnipeg, Manitoba
R3C 3X1

The Honourable D. James Walding
Speaker of the Legislative Assembly
Province of Manitoba

Dear Mr. Speaker:

In accordance with Section 42 of The Ombudsman Act, I am pleased to submit the Annual Report of the Ombudsman for the calendar year January 1 to December 31, 1983.

Yours very truly,

Gordon S. Earle

GORDON S. EARLE
OMBUDSMAN

Table of Contents

Introduction 1
Complaints and their Dispositions 1
Facts About the Ombudsman 3
An Ombudsman for Children 4
The Ombudsman's Normal Involvement with Children's Concerns 5
"The Honeymoon's Over" — Some Problem Areas 7
- The Rentalsman 7
- Access to Legal and Medical Information 9
- The Ombudsman or the Courts; or Both? 10
- The Ombudsman and Quasi-Judicial Boards 13

Public Relations 15
Complaint Statistics 17
- Cases Brought Forward from Previous Year 19
- Disposition of 1983 Complaints 19
- Complaints Attributed to Each Department or Category 20
- Complaints by the Year 21
- Sources of Complaints 22

Selected Case Summaries 23
- Cases Involving Children 25
- Other Cases 37

Complete List of Complaints 59
The Ombudsman Act 75

Abbreviations

B.C. — British Columbia
B.C.I. — Brandon Correctional Institution
B.M.H.C. — Brandon Mental Health Centre
H.C.I. — Headingley Correctional Institution
H.S.C. — Health Sciences Centre
M.A.C.C. — Manitoba Agricultural Credit Corporation
M.H.R.C. — Manitoba Housing and Renewal Corporation
M.H.S.C. — Manitoba Health Services Commission
M.P.I.C. — Manitoba Public Insurance Corporation
M.T.S. — Manitoba Telephone System
R.C.M.P. — Royal Canadian Mounted Police
S.M.H.C. — Selkirk Mental Health Centre
S.M.P. — Stony Mountain Penitentiary
U.I.C. — Unemployment Insurance Commission
U.S.A. — United States of America
W.C.B. — Workers Compensation Board
W.R.C. — Winnipeg Remand Centre
W.R.H.A. — Winnipeg Regional Housing Authority

Introduction

The fourteenth year of operation of the Ombudsman's Office saw a continued increase in the number of concerns presented for consideration. The 1982 annual report recorded a total of 899 concerns (551 written complaints and 348 telephone and counter enquiries). During 1983, our office received a total 1,907 concerns, of which 728 were written complaints and 1,179 were telephone or counter enquiries. This represents an increase of 32% with respect to written complaints and an increase of 239%* with respect to the recorded telephone and counter enquiries. The overall increase in workload, when comparing 1983 statistics with those of 1982, is 112%*.

My staff have managed this formidable workload with great dedication and fortitude. They have worked many long hours to provide effective and efficient service to the public. Our staff complement was increased during the past year by one, raising the total number of persons in the office (counting the Ombudsman) from six to seven. Although the staff complement only increased by one, we did add two new faces to our staff — one Investigative Assistant, to fill the new position, and another Investigative Assistant to fill a position left vacant due to the resignation of a previous staff member. The two new staff members bring to our office a combination of skills including legal and social work training. The current staff of the Ombudsman's Office are as follows:

Lorna Bardarson — Secretary
Karen Sacher — Secretary

Max Regiedzinski — Investigative Assistant
Beverly Rayburn — Investigative Assistant
Donna Drever — Investigative Assistant
Barry Tuckett — Assistant to the Ombudsman

**While these are the percentages based on the recorded data, these two figures would in actual fact be somewhat lower as telephone and counter enquiries had not been recorded for all of 1982, but rather only from September 16, 1982 to December 30, 1982.*

This small team of people have been of immense support to me during the past year, working extremely well together to shed light on the many complex issues presented to the Ombudsman for investigation. The accomplishments recorded in this report are the results of the combined and dedicated efforts of my entire team.

Statistics for 1983, when compared with 1982, show an increase in workload of 112%. There was a staff increase of 17%.

Complaints and their Dispositions

I firmly believe that the Ombudsman's Office should try, where possible, to be of help to all who seek our assistance. Accordingly, we deal with all matters that come before us whether these be by way of a formal written complaint or by way of a telephone or counter (drop-in) enquiry. While Section 21 of The Ombudsman Act states that every complaint to the Ombudsman shall be made in writing, I interpret that section very liberally in order not to present a roadblock to persons wishing to make a complaint. Where individuals may be unable to, or may have difficulty submitting their complaints in written form, our staff will assist by summarizing the complaint in writing and such summary, verified by the complainant, will for our purposes satisfy the requirement that the complaint be made in writing. As well, the fact that an individual may not be able to submit a written complaint is compensated for by the fact that the Ombudsman may investigate a matter on his own initiative.

In my last annual report, I included a note about the *dispositions of complaints*, i.e. how we finally settle and dispose of matters brought to our attention. I indicated then that the intention of the terminology used in this regard is to give an understanding of how concerns presented to the Ombudsman have been handled. I feel that disposition descriptions should be as simple as possible and should enable the reader to understand the degree to which our office has been able to help people resolve their problems. In other words, the dispositions of complaints should give a quick indication of the effectiveness of the office.

During 1983, the dispositions used and their definitions were as follows:

Declined — No action, either formal or informal, has been undertaken. The complaint may be clearly outside the Ombudsman's jurisdiction and no referral appears possible or appropriate, and we have no information to supply on the matter. The Ombudsman may also decline because the complaint relates to a matter concerning which the complainant has had knowledge for more than one year before bringing it to the Ombudsman; or because the complaint is frivolous, trivial, vexatious or not made in good faith; or because upon a balance between the public interest and the person aggrieved it should not be investigated; or because in the Ombudsman's opinion the circumstances of the case do not require investigation. When a complaint is declined, the function of the office is usually clarified for the complainant.

Discontinued (Client) — Here some action (whether it be an informal preliminary enquiry or formal investigation) has been commenced and at some point the complainant abandons the case or requests that we not investigate further.

Discontinued (Ombudsman) — In this situation also some action has been undertaken (either informally or formally) and at some point the Ombudsman decides not to proceed with the matter. If the Ombudsman learns, after commencing an investigation, that the complaint relates to a matter concerning which the complainant has had knowledge for more than one year before contacting the office, he may cease to investigate. Also the Ombudsman may cease to investigate if, during an investigation, it becomes clear that a complaint is frivolous, trivial, vexatious, or not made in good faith; or if, during an investigation, it is obvious that upon a balance between the public interest and the person aggrieved the investigation should not be continued; or if after some enquiries the Ombudsman is of the opinion that the circumstances of the case do not require further investigation. As in the situation where a case is declined from the outset, when a case is discontinued by the Ombudsman the complainant is usually advised of the reason for this decision.

Not Supported — Here a complaint has been fully investigated and on the strength of the evidence reviewed we are not able to support that the department or agency complained about has in fact caused the grievance. In such a case, we have found no evidence of maladministration in or by any department or agency of the government, or by any officer, employee or member thereof whereby the complainant is or may be aggrieved, and both the complainant and the department or agency are notified accordingly.

Resolved — In some cases, the disposition "resolved" means that the complaint has been thoroughly investigated with the evidence reviewed supporting that the department or agency has in fact caused the grievance. A report and recommendation(s) was submitted to the department or agency and the recommendation(s) accepted and implemented to resolve the problem.

In other cases where the disposition "resolved" appears, the investigation may not have had to reach the stage of a formal report and recommendation, but the problem may have been resolved at some earlier stage of the investigation as a result of a department or agency reviewing the matter with our office, or at the suggestion of our office.

A third category of cases marked "resolved" would be those matters which may be resolved after they have been submitted to our office, but not necessarily because of any direct action by our office. These complaints are sometimes resolved by independent action of the department or agency itself, or by action of a third party or some other means. In any event, from our point of view, the important thing is that the problem which the complainant brought to our attention no longer exists and hence we show these matters as resolved. The amount of investigation in these cases could vary from very little to a lot depending upon the circumstances of the case and at what point the resolution takes place.

Partially Resolved — This disposition is similar to the "resolved" disposition and the three categories of cases described for "resolved" would be applicable here as well. A "partially resolved" disposition would come about because a complaint may require more than one course of action in order to fully resolve the problem or problems (as there may be many problem areas in the one complaint). Sometimes a department is able to redress only a part (or part) of the total problem and for various reasons may be unable or unwilling to correct the entire situation. Sometimes there is no solution possible, feasible or appropriate to completely resolve a particular complaint and in such cases the matter may end up being partially resolved.

Recommendation — This disposition means that the complaint has been thoroughly investigated with the evidence reviewed supporting that the department or agency has caused the grievance. A report and recommendation(s) has been submitted to the department (or agency) but the recommendation(s) have not been accepted. Under The Ombudsman Act, when recommendations are not accepted, the Ombudsman may report further on his recommendations to the Lieutenant Governor in Council, and may thereafter mention the report in his next annual report to the assembly. If the recommendations are acted upon as a result of this further reporting then the case would eventually be concluded as resolved. Hence, the disposition "recommendation" would be used for any case where the Ombudsman has made a recommendation which has not been accepted and implemented, whether or not the recommendation has been reported to the Lieutenant Governor in Council or the Legislative Assembly.

Information Supplied — This disposition may be utilized for complaints spanning the full range of investigation, from intake interview to a completed formal investigation. Whether or not the matter brought to our attention falls within our jurisdiction, we may, at any point of our involvement, provide the complainant with information relevant to his/her concern, as well as information about our office and its function. Usually, the information provided would be helpful in clarifying a situation, thereby possibly bringing the complainant closer to a solution to the problem. We are not only able to help people understand the situation that gave rise to the problem but also we are able to give them information concerning the options, if any, available for further recourse such as statutory appeal procedures, etc.

Assistance Rendered — This disposition is similar to the "information supplied" disposition in that it may also take place at any stage of our involvement with a complaint. However, this disposition is somewhat stronger in the sense that, rather than simply providing clarifying information, there is much more involvement on our part in the way of making referrals to other agencies (government or otherwise) and sometimes actively following up these referrals to ensure that appropriate action is taken to help the individual resolve his/her problem. This is particularly relevant in cases where a complainant brings to our attention a matter which properly comes under the purview of a provincial government department or agency. We will not only ensure that the individual's concern is properly placed before the appropriate body authorized to deal with it, but we will quite often follow up to ensure that the government department or agency has suitably dealt with the concern.

Facts About the Ombudsman

In my last annual report, I wrote briefly about the history and philosophy of the Ombudsman concept and I also gave a brief word about complaints and how we investigate them. During the past year, I found that there are still many people, with whom our office has contact, who do not fully understand some of the basic facts about the Ombudsman, his function, and his jurisdiction. This became evident as various individuals (both government employees and non-government people) would question the jurisdiction of the Ombudsman and the right of the Ombudsman to question them, view files, or obtain information from them. We found that behind such questioning was sometimes a misplaced fear of the Ombudsman whereby the Ombudsman was being perceived as an advocate for the complainant rather than as an impartial, objective investigator. We were able to work through these concerns by explaining patiently, carefully and with an understanding attitude, the basic principles upon which the Ombudsman concept is built, as well as the method and powers of investigation utilized by our office. To supplement the remarks in my last annual report about the history, philosophy and complaint handling process of the Ombudsman's Office, I am presenting the following points which I hope will give the general public a better understanding of the function of the Ombudsman:

- It is the duty of the Ombudsman to investigate any acts, decisions or omissions by the departments or agencies of the Provincial Government concerning matters of administration whereby a person may be aggrieved.
- Any person who is in custody or is an inmate in any hospital, mental hospital, home or institution operated by or under the direction of the government may communicate to the Ombudsman in private. Letters addressed to the Ombudsman shall be forwarded immediately, unopened, to the Ombudsman.
- A complainant may be assured that the complaint will be thoroughly and impartially investigated.
- The Ombudsman has the statutory powers to investigate, to recommend and to publicize.
- The Ombudsman may require any person who, in his opinion, is able to give any information relating to any matter being investigated by him to furnish the information and produce any document.
- The Ombudsman may summon before him and examine on oath any person who, in the Ombudsman's opinion, is able to give any information relating to any matter being investigated by him.
- Every person who, without lawful justification or excuse, willfully obstructs, hinders or resists the Ombudsman or any other person in the exercise or performance of his duties or refuses or willfully fails to comply with a lawful requirement of the Ombudsman, is guilty of an offence and is liable on summary conviction to a fine of not more than 500 dollars or to imprisonment for a term not exceeding 3 months or to both fine and imprisonment.
- The Ombudsman is impartial. He is not an advocate for a complainant. He is neither on the side of complainant nor on the side of the department. When an investigation is completed and if, in the opinion of the Ombudsman, the complaint is found to be valid, he may recommend corrective action to resolve the complaint and to prevent a recurrence. However, if the complaint is not valid, the Ombudsman will advise the complainant accordingly. The Ombudsman is neither for nor against any individual but is for justice and fairness in the administration of the laws of our province by government officials.
- The Ombudsman may refuse to investigate or cease to investigate a complaint if:
  (a) it relates to any decision, recommendation, act or omission of which the complainant has had knowledge for more than one year;
  (b) in the Ombudsman's opinion, it is frivolous, vexatious, or not made in good faith or concerns a trivial matter;
  (c) in the Ombudsman's opinion, upon a balance between the public interest and the person aggrieved it should not be investigated;
  (d) in the Ombudsman's opinion, the circumstances of the case do not require investigation.
- While the Ombudsman cannot *order* a government department to do anything, and while the Ombudsman cannot revoke any action taken, the Ombudsman can recommend corrective action or a solution to a problem.
- The Ombudsman does not establish the policies in a government department or agency. Rather, the Ombudsman reviews the policies and the way in which the departments or agencies administer these policies. He can make *recommendations* that practices be altered or reviewed and that laws be reconsidered.

- The effectiveness of the Ombudsman is not determined by the number of grievances he may support. The Ombudsman's mandate is to determine that administrative acts and decisions by departments or agencies of the Provincial Government are fair, just and reasonable and in accordance with relevant policy and legislation.
- The effectiveness of the Ombudsman is measured by the degree to which he has been able to help people resolve their problems or at least fully understand the situation that gave rise to the problem; and to understand as well the options, if any, available for further recourse.

Investigation Procedures:

- On receipt of a complaint, or on the Ombudsman's own initiative, enquiries are made by telephone, in person, or in writing to obtain clarification of the matter in dispute.
- Appropriate legislation and/or policy is reviewed.
- Parties to the dispute may be contacted for information, copies of correspondence may be obtained, and government files may be reviewed.
- All relevant information and evidence is reviewed and a determination is made by the Ombudsman.
- A report will be made to the complainant and/or to the department.

An Ombudsman for Children

During the past year, with the rising number of incidents being published involving injustice, abuse, or unfair treatment of children, the idea has been put forward that there is a need for a children's ombudsman. In September, 1983, I received correspondence from a group of concerned citizens, comprised of people from all walks of life and various professions, who called themselves "The Committee for a Children's Ombudsman". This committee was lobbying with the government, the opposition, the media, and the public at large for "the creation of a Children's Ombudsman for the Province of Manitoba, whose mandate would include a fair hearing for concerns raised by children in the community at large and children who are temporary or permanent wards of the Province".* The committee expressed its belief that "an additinal safeguard, external to the system as is the Office of the Ombudsman is needed where social delivery systems have failed a child".*

I discussed, with various members of The Committee for a Children's Ombudsman, their concept and indicated my support, while at the same time pointing out that my office currently does provide services to children. I indicated that my office is involved with children's concerns as they relate to the childcare agencies under The Child Welfare Act. Also, I pointed out that my office takes action in other matters relating to children if such fall under the Ombudsman's jurisdiction, which is to investigate grievances relating to any provincial government department or agency, which includes any agency directly or indirectly responsible to the Crown. As well, I mentioned the fact that my office offers advice and makes suitable referrals in those matters outside my jurisdiction.

**Quotations taken from a letter dated September 19, 1983, sent to the Ombudsman by The Committee for a Children's Ombudsman.*

Finally, I indicated that my office has been involved with various problems involving children concerning such things as local school matters, children's aid society cases, the School for the Deaf, youth centres, group homes, community mental health services and various other matters. Also, in my discussion with members of the committee, I pointed out very carefully the difference between an objective, impartial ombudsman handling children's matters and a children's advocate acting on behalf of children. The committee members assured me that they were thinking in terms of the ombudsman concept rather than the concept of advocate.

The committee further responded by indicating that while they appreciate and strongly support the functions of my office, it was their intent to highlight the need for formalizing to a greater degree my office's services to children. The committee stressed that "this involves making sure that children throughout the Province are made aware that these services are available, taught how to use them appropriately, and are informed that they themselves can have ready access" to the Ombudsman's Office. The committee, recognizing that these identified tasks would require additional demands on my office, indicated that they were requesting the Legislature to expand the staff of my office. The committee advised that what it was really seeking, when speaking of a children's ombudsman, was not a system separate from my office, but rather an additional person within my office whose function would be to deal specifically with the concerns of children.

I met with the Committee for a Children's Ombudsman at my office on October 28, 1983, at which time the committee made a formal presentation of a petition bearing over 1500 signatures. The presentation read as follows:

> *"As representatives of the petitioners in requesting the establishment of a Children's desk in the Ombudsman's Office for the Province of Manitoba, we respectfully submit these names as an expression of their concern. These citizens urge that the legislature give serious consideration to establishing an Ombudsman for Children within the Ombudsman's Office. (This does not preclude the need for a Child Advocate/Protector.)*

When the family, for whatever reason, cannot meet the needs of the child, the community can usually rely on the Province to help. However, the social policies and service delivery systems which reflect the legislative mandate, no matter how thoughtfully or carefuly designed, can, in some instances, fail the child. We believe that an additional safeguard which is external to the system, as is the Office of the Ombudsman, will assure an impartial and fair hearing in such cases. In addition, we envisage that every child affected by Provincial legislation would be made aware that the Ombudsman exists to provide redress of a grievance and to prevent a reoccurrence of deliberate or inadvertant injustice. It is the hope of all petitioners that the awareness and presence of a Children's Ombudsman will help to ensure that a high quality of service is provided to all children in the Province of Manitoba."

I endorsed the efforts of the committee indicating that I strongly supported any measures which would help protect the rights of children. I indicated that I would welcome an additional pair of hands in my office to assist us in dealing with matters involving children. I made it very clear that any Investigative Assistant in the Ombudsman's Office, whether that person be charged with dealing specifically with children's concerns or not would be fully responsible to the Ombudsman for the carrying out of his/her functions.

Subsequent to my meeting with The Committee for a Children's Ombudsman, I received correspondence from the Attorney-General indicating that he, the Premier, and the Chairperson of the Social Resources Committee of Cabinet had also met with The Committee for a Children's Ombudsman. The Attorney-General's correspondence requested information concerning the resources required for my office to provide special Ombudsman service to children. I responded accordingly; however, at the time of writing this report, I have not been formally informed of any decision in this regard, although the indications I have received informally have been of a positive nature.

There appears to be a public interest that special Ombudsman service be provided to children and this interest seems to be receiving favourable support.

The Ombudsman's Normal Involvement with Children's Concerns

Apart from supporting The Committee for a Children's Ombudsman in their desire to establish special Ombudsman service to children, my staff and I have been very busy during the past year handling the normal flow of concerns relating to children. As indicated already, the function of the Ombudsman's Office is to investigate grievances that relate to provincial government departments or agencies, which for our purposes include the children's aid societies and other such childcare agencies because of their responsibility to the Crown under The Child Welfare Act. The lives of children are affected by the administration of government departments and agencies, and there is nothing in The Ombudsman Act that precludes a child from bringing forth a complaint, or that prevents someone from making a complaint to the Ombudsman on behalf of a child. Naturally, in such cases, our office would appreciate the co-operation and consent of the parents or legal guardian (whether that be a childcare agency or otherwise) when pursuing a matter on behalf of a child, and where appropriate would seek such. However, where such consent and co-operation is not appropriate nor possible, this would not necessarily hinder nor prevent the Ombudsman from reviewing a matter on his own initiative and in the best interests of the child. In the section of this report entitled "Selected Case Summaries", I have presented some case summaries relating specifically to matters involving children.

As well as investigating complaints received from or on behalf of children, our office maintained its contact with various community and social groups involved with children. During the past year, I:

- spoke to the Seven Oaks School Division in-service professional development program for teachers on censorship in the schools.
- spoke to students at the University of Manitoba and the University of Winnipeg about the function of the Ombudsman's Office.
- attended and participated in a symposium on Children's Rights — A National Multidisciplinary Symposium sponsored jointly by the Continuing Education Division of the University of Manitoba, the Manitoba Working Group on The Emotional Abuse of Children, and the Manitoba Association of Rights and Liberties.
- attended and participated in a spring tea conducted by the students and staff of Garden Grove School in Winnipeg, Manitoba.
- attended a Foster Parents Recognition Dinner.
- spoke at the graduation exercises of Hugh John Macdonald School in Winnipeg, Manitoba.

- assisted in the 2nd Annual Harvest/Bazaar of the Grenadian Association of Manitoba by helping to judge the Petite and Junior Caribbean Queen Show.
- attended and participated in a one-day community workshop conference entitled "Selkirk, A Good Place to Raise Children?!" sponsored by the Selkirk Restitution/Reconciliation Committee and held at Selkirk, Manitoba.
- was the guest speaker at Manitoba Child Care Association's Annual Fall Conference "Moving Toward Quality Care", speaking on *Current Issues in Children's Rights*.
- participated in The Interlake Special Education Conference "A Common Sense Approach to Special Education" speaking on the topic *Censorship in the Schools*.
- attended the open house ceremonies of the Training Resources for Youth, a project of Children's Home, Winnipeg, Manitoba.
- maintained contact with The Child Welfare Directorate re proposed changes to The Child Welfare Act.

Finally, I should note that during the past year our office was consulted by the Review Committee on Indian and Metis Adoption and Placements, chaired by Associate Chief Judge E.C. Kimelman. This is a committee which was established in March, 1982, when Associate Chief Judge Edwin C. Kimelman of the Provincial Judges Court (Family Division) was appointed by the Manitoba government to examine the issue of adoption and foster placement of children of aboriginal decent. The primary factor motivating the appointment of Judge Kimelman was the public concern expressed over the fact that a substantial number of native children had been placed outside the Province of Manitoba for adoption. Judge Kimelman's Review Committee was reviewing various methods or systems concerned with ensuring that a child who has been apprehended or otherwise involved with the child welfare system is receiving care which is in its best interests. The Review Committee was interested in the Ombudsman's involvement with such children. I provided information to the committee concerning why and how our office becomes involved in such matters and the nature of the services we provide. Also, I provided the committee with some recommendations aimed at ensuring that children are served in the best possible way. Some of these recommendations flowed out of matters which we had investigated and others were more general in nature. These recommendations were:

1. That government departments and agencies not be paranoid about making public the results of their investigations into matters which have been public issues and which are of public interest.
2. That appropriate funding be made available to enable child caring agencies and the Department of Community Services and Corrections to provide the proper support services needed in order to embark upon meaningful programs (such as a more active Post-Adoption Registry) and generally speaking do a proper child caring job. Here, one could be very specific and compare the allowances paid to foster parents with the amount it costs to keep a child in an institution, and one could look at the feasibility and costs of providing parent-aids to homes, rather than removing children from a home because a parent is unable to cope. These kinds of services, I think, are particularly relevant to Native children who come into care.
3. That the implementation of any reasonable recommendations emanating from government-commissioned studies be given high priority. Far too often, studies are commissioned with respect to certain problems, large reports are produced which clearly outline the difficulties and solutions are recommended only to later become low priority items. Quite often, budgetary restrictions are quoted as the reason for not implementing many of these very valuable recommendations. However, later one sees other completely unrelated programs being embarked upon and somehow the funding has become available for these new initiatives. I firmly believe that the question is one of giving priority to those items which demand and deserve priority, and I firmly believe that the protection of children and family life should be a very high priority.
4. That social workers be kept abreast of current developments in the child welfare area by various training courses, seminars, and conferences as part of on-the-job training.
5. That agencies involved with multi-problem situations continue to strive for a close liaison among themselves, pooling their resources on behalf of the best interests of the child.
6. That continuing efforts be made to bridge any gap that may exist between the court system and the social service agencies, so that judges and various court officials may improve their knowledge and expertise in the area of child welfare, and on the other side of the coin so that the social service agencies may obtain a complete appreication of how the court system operates.
7. That all officials involved with family and child welfare matters (judges, lawyers, social workers, etc.) become attuned to human rights and cultural issues and develop the kind of sensitivity to racial, ethnic, and cultural matters that is so very important when dealing with many family and child welfare issues.

"The Honeymoon's Over" — Some Problem Areas

I was appointed Ombudsman effective September 7, 1982 and during the first six months or so one might say that there was sort of a honeymoon period with the Ombudsman receiving excellent co-operation from government departments and agencies and very little questioning of his jurisdiction or right to have access to information. However, with the passage of time, and with the investigation of the many complex issues being presented to the Ombudsman, the novelty of the honeymoon began to ebb, and while the co-operation remained generally, the Ombudsman could sense the setting in of a rigidity and defensiveness on the part of some officials resulting in the questioning of the Ombudsman's jurisdiction and the right of the Ombudsman to review decisions, obtain files or have access to certain types of information. In fairness to some of those individuals who began to question my jurisdiction, I should point out that during the past year, partly because of the somewhat heightened public awareness of the office and partly because of the social and economic conditions of the day, the Ombudsman has become involved in a number of very complex issues which have required much more intensive probing than had many complaints in the past. This is not to say that there were not such cases in the past, but it is simply that we are experiencing more and more of these types of cases and perhaps spread over a wider range of government programs and activities. Hence, during the past year, it has not been uncommon for an official, when asked for certain information, to indicate surprise mentioning that it is the first time such a request has been received from the Ombudsman's Office, whereupon we make it very clear that the Ombudsman has always had the jurisdiction to exercise such authority, but that because of the nature of the case this is the first time such a request has had to be made.

It is very important that government departments, agencies, officials and the public at large realize and appreciate the extensive powers of investigation available to the Ombudsman. Under The Ombudsman Act, the Ombudsman, and those whom he delegates, has all the powers of a commissioner appointed under The Manitoba Evidence Act which means that formal hearings may be held, evidence taken under oath, subpoenas issued and other such formal steps taken as may be necessary. As well, under The Ombudsman Act, it is an offence for any person to attempt to prevent the Ombudsman from performing his functions. Section 45 of the Act reads as follows:

"Offence and penalty.

45 Every person who

(a) without lawful justification or excuse wilfully obstructs, hinders, or resists the Ombudsman or any other person in the exercise or performance of his functions and duties under this Act; or

(b) without lawful justification or excuse refuses or wilfully fails to comply with any lawful requirement of the Ombudsman or any other person under this Act; or

(c) wilfully makes any false statement to or misleads or attempts to mislead the Ombudsman or any other person in the exercise or performance of his functions and duties under this Act;

is guilty of an offence and liable, on summary conviction, to a fine of not more than five hundred dollars or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment."

While the Ombudsman prefers not to (and very seldom has to) resort to the formal powers available to him under the Act, he can, and certainly will, do so if such is found to be necessary in the course of pursuing the investigation of a complaint.

The Rentalsman

During the past year, a number of complaints were submitted to the Ombudsman concerning the Office of the Rentalsman. These complaints involved such matters as: delay in the handling of security deposit disputes, dissatisfaction with decisions of the Rentalsman, delay in the return of security deposits, alleged rudeness and delay by the Rentalsman's Office, alleged lack of response from the Rentalsman to correspondence submitted, alleged lack of action by the Rentalsman's Office concerning security deposit disputes, allegations that the Rentalsman's Office took too long to have landlords effect repairs to apartments, concerns about monies being held in trust, and so forth.

One must appreciate and accept the fact that any office that has a great deal of contact with the public is likely to be the subject of complaints from time to time. Furthermore, an office such as the Office of the Rentalsman is an even more vulnerable because of the very nature of the service it provides. Attempting to resolve disputes between two opposing parties is never an easy task, and it becomes all the more difficult when these disputes involve all the frustrations and emotions that are inherent in landlord/tenant problems. In such disputes, it is practically impossible for the Rentalsman, in rendering a decision, to walk away with the blessing of both parties. If he rules in favour of the tenant, the landlord is usually unhappy and if he finds in favour of the landlord, the tenant will often express displeasure. If a ruling gives something to both parties, then quite often both parties feel they did not get all to which they were entitled.

It must also be understood that during the past year the Office of the Rentalsman experienced an extremely heavy workload, and naturally some of the delays complained about were a direct result of that increased responsibility. In such cases, we were able to explain to our complainants that there was reasonable cause for the delays and to encourage them to be patient as the Rentalsman's Office continued to work to bring their cases to a conclusion.

However, not all the complaints we encountered were simple matters of delay caused by overwork, and as we pursued the more difficult cases, some of which involved the actual decisions of the Rentalsman, we began to be met with some rather stiff opposition and questioning of our jurisdiction.

The opposition by the Rentalsman perhaps resulted in part from a sense of frustration at the heavy workload combined with what seemed to the Rentalsman to be a "bombardment" of his office with repeated enquiries from the Ombudsman. As well, the Rentalsman had some very serious questions about the jurisdiction of the Ombudsman to review his decisions since decisions made by the Rentalsman under The Landlord and Tenant Act are *final and binding on both the landlord and the tenant.*

The Ombudsman made it very clear to the Rentalsman that it was not his intention to inconvenience the Office of the Rentalsman, or any other government department or agency for that matter, by the investigation of complaints. However, the Ombudsman does have an obligation and responsibility under The Ombudsman Act to investigate complaints received against provincial government departments and agencies, which, or course, includes the Rentalsman's Office. As for the right of the Ombudsman to investigate *decisions* of the Rentalsman, the Ombudsman Act very clearly spells out the right of the Ombudsman to exercise such powers. Section 17 of the Act reads:

"Exercise of powers, etc.

17 The Ombudsman may exercise and perform the powers, duties and functions conferred or imposed on him under this Act notwithstanding any provision of any other Act of the Legislature

- *(a) that any decision, recommendation, act or omission that he is investigating is final; or*
- *(b) that no appeal lies in respect thereof; or*
- *(c) that no proceeding or decision of the department, agency of the government, officer, employee, or person whose decision, recommendation, act or omission it is shall be challenged, reviewed, quashed or called in question."*

While the Ombudsman does have the right, in investigating a complaint, to review, question, comment on, and make recommendations with respect to decisions of the Rentalsman and any other provincial government department or agency, *the Ombudsman does not have authority to alter decisions, make decisions for departments, nor order a department or agency to do anything. The Ombudsman only has the power to recommend* and in a case where a decision is not final and binding, and where the Ombudsman is of the opinion, based on his investigation, that the decision was clearly wrong or unreasonable, contrary to law, unjust, or oppressive, then he may recommend that the department cancel, vary or reconsider its decision. In a case where a decision is final and binding, such as in the case of the Rentalsman's arbitration decisions, then the Ombudsman may recommend that other steps, appropriate to the situation, be taken. In any event, the plain and simple truth is that the Ombudsman does have jurisdiction to examine decisions of departments and agencies as well as the administrative procedures and policies relevant to those decisions.

The question of the Ombudsman's responsibility to investigate complaints involving the Rentalsman's Office, and the right of the Ombudsman to investigate decisions of the Rentalsman was discussed on various occasions at some length with the Rentalsman, the Deputy Minister of Housing, and the Minister of Housing. Eventually, it was accepted by the Rentalsman that the Ombudsman does in fact have jurisdiction to investigate matters involving the Office of the Rentalsman and the Rentalsman's decisions. As well, a method of investigation was worked out whereby the Ombudsman's enquiries would cause the least possible inconvenience and interruption to the normal flow of work at the Rentalsman's Office. However, at the same time, it was made perfectly clear that the Ombudsman must perform his function and that any inconvenience caused to a department by the Ombudsman's investigation is not a sufficient reason to prevent or hinder the Ombudsman in the exercise or performance of his functions and duties under The Ombudsman Act. At the conclusion of our discussions of these matters, the Minister of Housing clearly stated that the position of the Department of Housing is to openly assist the Ombudsman in his investigations, and the Rentalsman assured his co-operation to make the system work, affirming that records of any kind held by his office would be made available to the Ombudsman on request. I am pleased to state that at the time of writing this report that there has been significant improvement in terms of the response from the Rentalsman's Office to enquiries by the Ombudsman.

Access to Legal and Medical Information

Another area where the Ombudsman ran into some difficulty and resistance was in cases where it was necessary to obtain information comprised of legal or medical opinions. We have noticed that certain professional groups, particularly the legal and medical professions, are very protective about the information they have in their possession concerning their clients and others with whom they have dealt, and rightly so. It is very important that professional people respect and protect the interests and rights of those whom they serve by not breaching the confidence entrusted to them. As well, these professional groups must generally adhere to the laws governing confidentiality relevant to their occupations. Nonetheless, with all due respect for statutory provisions allowing for privilege and confidentiality, it must be understood that the Ombudsman, as an officer of the Legislature, has been mandated by that body to investigate complaints against the government and has been given appropriate powers to enable access to any and all relevant information. It is very clear that the Ombudsman has authority to obtain any relevant information from any person regardless of the profession of that person or the nature of the information being sought, unless the Attorney-General, under Section 31 of The Ombudsman Act, issues a certificate in writing to the contrary. The relevant sections of The Ombudsman Act are as follows:

"Evidence:.

30(1) Subject to section 31, the Ombudsman may require any person who, in his opinion, is able to give any information relating to any matter being investigated by him

(a) to furnish the information to him; and

(b) to produce any document, paper or thing that in his opinion relates to the matter being investigated and that may be in the possession or under the control of that person;

whether or not that person is an officer, employee or member of the department or agency of the government and whether or not the document, paper or thing is in the custody or under the control of a department or agency of the government.

Examination on oath.

30(2) The Ombudsman may summon before him and examine on oath

(a) any person who is an officer or employee or member of any department or agency of the government and who in the opinion of the Ombudsman is able to give any information relating to any matter being investigated by him;

(b) any complaint; and

(c) any other person who in the opinion of the Ombudsman is able to give any information relating to any matter being investigated by him.

Restrictions on disclosures.

31 Where the Attorney-General certifies that the giving of any information or the answering of any question or the production of any document, paper or thing might involve the disclosure of

(a) the deliberations of the Lieutenant Governor in Council, the Executive Council, or any committee thereof; or proceedings of the Lieutenant Governor in Council, the Executive Council, or any committee thereof; or

(c) matters of a secret or confidential nature, or the disclosure of which would be injurious to the public interest;

the Ombudsman shall not require the information or answer to be given or the document, paper or thing to be produced, but shall report the giving of the certificate and the matter in respect of which it was given in his next annual report to the assembly.

Application of certain rules.

32(1) Subject to section 31, a rule of law that authorizes or requires the withholding of any document, paper or thing, or the refusal to answer any question, on the ground that the disclosure or answering would be injurious to the public interest does not apply in respect of any investigation by or proceedings before the Ombudsman.

Provisions relating to secrecy.

32(2) Subject to section 31, no provision of any Act of the Legislature requiring a person to maintain secrecy in relation to, or not to disclose information relating to, any matter shall apply in respect of an investigation by the Ombudsman; and no person required by the Ombudsman to furnish information or to produce any document, paper or thing or summoned by the Ombudsman to give evidence, shall refuse to furnish the information, produce the document, paper or thing, or to answer questions on the ground of any such provision."

Although there will undoubtedly be differences of opinion, particularly among the legal profession, regarding the interpretation of those sections of The Ombudsman Act, I firmly believe that the message and intent of the Legislature is clear, namely that the Ombudsman have unbridled access to information, cutting through privileges granted by statute or otherwise, in order to shed light upon a problem through a thorough, impartial and objective investigation. While we ran into some difficult cases during the past year where our right to obtain legal and medical information was seriously challenged, we were able to work through these situations and obtain the information required.

Because of the many complex matters being presented to our office, many of which necessitate the review of legal and medical opinions, I have no doubt that we shall face further challenges in the future. The biggest concern that many people have about divulging information to the Ombudsman, whether that information be privileged or otherwise, is that such information or their act of providing such information may end up in court. Sections 33 and 34 of The Ombudsman Act very clearly negate this possibility. They read as follows:

"Admissibility of evidence.

33 Except on the trial of a person for perjury, no statement made, or answer or evidence given by that or any other person in the course of an investigation by or any proceedings before the Ombudsman is admissible in evidence against any person in any court or at any inquiry or in any other proceedings, and no evidence respecting proceedings before the Ombudsman shall be given against any person.

Defence for certain offences.

34 No person is guilty of an offence against any other Act of the Legislature by reason of his compliance with any request or requirement of the Ombudsman to furnish information or produce any document, paper or thing, or by reason of answering any question in any investigation of the Ombudsman."

As well as the two sections just mentioned, there are sections of the Act which ensure the secrecy and privacy of the Ombudsman's investigations. I can assure the reader that any information obtained by the Ombudsman is treated with the utmost discretion and care, and is used only for the purpose of exercising our functions and duties under The Ombudsman Act. While there may be further challenges to our jurisdiction by professional people, I am confident that these will be satisfactorily resolved because the ultimate goal of most professional people (except for the odd person who is willfully involved in wrongdoing) is the same as that of the Ombudsman, namely, to try to help people resolve their problems. By working together in harmony and co-operation, we can accomplish this end.

The Ombudsman or the Courts; or Both?

It should be clearly understood that, for people experiencing problems with government, the Ombudsman and the Courts are two entirely different and separate avenues of redress, with each having its own advantages and disadvantages. Sometimes people have difficulty deciding which avenue they wish to follow in pursuing a complaint. Although this is not always an easy decision, consideration of the following factors may be of some assistance to individuals faced with such a choice:

a) *The Cost Factor:* We have probably all heard that familiar expression "You can't fight City Hall", which simply is another way of saying that it is futile to oppose the bureaucracy of government. This quite often may turn out to be true if one is considering court action against a government department or agency. Court battles may be long, arduous, and very costly, particularly if a matter is pursued to its final destination through all the levels of appeal available. While legal aid may, in some situations, be available to those who cannot afford private legal counsel, nevertheless, a good number of the public may not qualify for legal aid or perhaps may have their case refused by legal aid and yet not be able to finance their problem through the court system. If the problem relates to a matter of administration by a provincial government department or agency, then the Ombudsman's Office may be a reasonable alternative, and certainly an inexpensive one. The Ombudsman's Office is a public service paid for by the Consolidated Fund of the Province. In other words, the tax payer supports the office and each and every individual has the right to utilize the service without direct cost.

b) *The Jurisdiction of the Ombudsman:* This obviously is a very important factor which must receive immediate attention when considering the options available. The Ombudsman has jurisdiction over matters relating to provincial government, but this does not mean any and all matters. The Ombudsman has jurisdiction to investigate "any decision or recommendation made, including any recommendation made to a minister, or any act done or omitted, relating to a matter of administration in or by any department or agency of the government, or by any officer, employee or member thereof, whereby any person is or may be aggrieved". The Ombudsman has no jurisdiction to investigate "any decision, recommendation, act, order or ommission of the Legislature, the assembly, the Lieutenant Governor, a committee of the Assembly, the Lieutenant Governor in Council, the Executive Council, or a committee of the Executive Council". Hence, while the Ombudsman may investigate the administration, policies and procedures of a government department or agency, he cannot investigate the administration, policies and procedures of the Cabinet or the Legislature and hence if an individual has a complaint in the latter area, he/she may wish to consider court action should all else fail, and should such be appropriate.

Also, the Ombudsman has no jurisdiction to investigate "any order, decision or omission of the court, a judge of a court, a referee or master of a court, a magistrate or a justice of the peace made or given in any action or proceeding in the court, or before the judge, referee, master, magistrate or justice of the peace". Therefore, an individual should not expect the Ombudsman to investigate court decisions but rather should pursue these matters further through the court system itself.

The Ombudsman has no jurisdiction to investigate any award, decision, recommendation or omission of an arbitrator or board or arbitrators in an arbitration to which The Arbitration Act applies.

Finally, on the question of jurisdiction, the Ombudsman is restricted from investigating "any decision, recommendation, act or omission in respect of which there is, under any Act a right of appeal or objection or a right to apply for a review on the merits of the case to any court or tribunal constituted by or under an Act of the Legislature, whether or not that right of appeal, objection or application has been exercised in the particular case and whether or not any time prescribed for the exercise of that right has expired, . . .". In other words, the Ombudsman *generally* does not become involved in investigating matters when there is a statutory right of appeal and complaints in this area may have to be processed through the Courts on points of law or the merits of the case, depending upon what, if anything, is permissable under the relevant legislation.

A qualifying note must be added here, which is that while the Ombudsman normally does not become involved in cases where there is an appeal process, he can investigate such complaints if he is satisfied that in the particular circumstances it would have been unreasonable to expect the complainants to resort to the appeal tribunal or court.

c) *The Time Limit for Filing Complaints:* Another factor that members of the public must consider when deciding on either court action or action through the Ombudsman's Office is the question of the time limit for taking action. With various court actions there is often a time limitation imposed by statute. If that time for filing an action is missed then one cannot proceed through the Courts. Likewise with the Ombudsman there is a time period during which complaints should be brought forward; however, it is discretionary as to whether the Ombudsman takes action when this time period is not observed. Section 23(1)(a) of The Ombudsman Act reads as follows:

"Refusal to investigate.
23(1) The Ombudsman, in his discretion, may refuse to investigate or may cease to investigate a complaint if
(a) it relates to any decision, recommendation, act or omission of which the complainant has had knowledge for more than one year before the complaint is received by the Ombudsman."

There may, therefore, be some cases where court action is impossible because of the statute of limitation, but which the Ombudsman in his discretion may decide to review, particularly if he feels that upon balance between the public interest and the person aggrieved the matter should be investigated.

d) *The Speed with Which Action may be Taken:* When deciding whether to proceed through the Courts or through the Ombudsman's Office, an individual may want to consider how quickly the matter has to be dealt with and which avenue is best equipped to proceed with dispatch on that particular issue. While this is not always the case, generally speaking the Ombudsman's Office, because of our knowledge of government departments, agencies, policies, procedures, etc., and also because of our investigative expertise can very often cut through the red tape in a relatively short period of time to shed some light on a problem. In court cases, sometimes – and again not always – the process of securing a lawyer, filing a statement of claim, various preliminary hearings, setting of court dates, the trial, and perhaps various appeals can be a very lengthy process. In some cases, the time involved to go through this process may very well defeat the purpose of the action. In any event, time is a very important factor to be considered when choosing the Courts or the Ombudsman, and there are some cases where the Courts may be the best avenue to have the matter dealt with expeditiously and there are other cases where it may be quicker to proceed through the Ombudsman's Office.

e) *The Goal Desired:* An individual deciding upon which avenue of redress to follow should consider very carefully what he/she hopes to achieve by bringing the complaint forward. The type of goal one has in mind will very often determine what is the more appropriate avenue of redress. For example, if an individual's primary concern, in having a complaint resolved, is to obtain substantial financial compensation because of a wrong they feel they have suffered at the hands of government, then the better approach to this matter may be through the Courts. Although the Ombudsman's investigation could in fact yield a recommendation concerning financial compensation if such is appropriate, it must always be remembered that the Ombudsman only has the power to *recommend*, and there

is no guarantee that a department will accept the Ombudsman's recommendations. The Court, on the other hand, has the power to *order* financial compensation settlements if such are found appropriate to the situation, and such orders, unless overturned by a higher court, are binding on the parties involved. If an individual, in bringing a complaint forward, is not primarily interested in financial compensation, but is also (and perhaps in some cases primarily) interested in having improper administrative decisions, policies and procedures corrected then the more appropriate avenue may be through the Ombudsman's Office. This is not to imply that the Courts will not become involved in cases involving administration by government departments or agencies, nor the Ombudsman in matters involving financial settlements. It is simply to say that in some situations, depending upon the complainant's expectations, one forum may be more appropriate than the other.

f) *The Availability of Further Remedies or Appeals:* Another consideration an individual may wish to contemplate when pursuing a complaint is what additional appeals are available should the avenue chosen not resolve the matter to his/her satisfaction. If the court is chosen as the avenue of redress then there may be further appeals to a higher court unless the level and finality of the court action is specifically determined by law or statute. If the Ombudsman is chosen as the avenue of redress then, once the Ombudsman has rendered his decision, there is no appeal applicable to that decision. Section 39 of The Ombudsman Act reads as follows:

"Review of Ombudsman's decision.

39 No proceeding of the Ombudsman is void for want of form and, except on the ground of lack of jurisdiction, no proceedings or decisions of the Ombudsman shall be challenged, reviewed, quashed or called in question in any court."

This, of course, does not mean that the individual cannot take the original problem which he/she presented to the Courts if he/she is unhappy with the Ombudsman's decision, it simply means that he/she cannot take the *Ombudsman's decision* to court, but he/she can of course pursue the complaint further by going to court if he/she so desires. Section 46 of The Ombudsman Act clearly states:

"Additional remedies.

46 The provisions of this Act are in addition to the provisions of any other Act or rule of law under which any remedy or right of appeal or objection is provided for any person, or any procedure is provided for the inquiry into or investigation of any matter, and nothing in this Act limits or affects any such remedy or right of appeal or objection or procedure."

It should be clearly understood, however, that should an individual decide upon Court action, after having gone through the Ombudsman's Office, the information given to the Ombudsman's Office, in the course of an investigation, is not admissable in evidence in any Court (Section 33 of The Ombudsman Act) nor can the Ombudsman nor any person employed under him be called as a witness (Section 41 of The Ombudsman Act).

Since it is possible for an individual to pursue a complaint to the Courts after having gone through the Ombudsman's Office, the question on the other side of the coin is raised, namely, "Can an individual who has gone through the Courts with a problem bring the matter to the Ombudsman's attention?" The simple answer is "yes"; but the issue becomes a bit more complex when looking at what the Ombudsman can do in such cases. What aspects, if any, of such cases can the Ombudsman investigate? The Ombudsman Act, Section 18, subsection (b), states very clearly that the Ombudsman is not authorized to investigate "any order, decision or omission of a court, a judge of a court, a referee or master of a court, a magistrate or a justice of the peace made or given in any action or proceeding in the court, or before the judge, referee, master, magistrate or justice of the peace;"

This section does not prevent the Ombudsman from investigating a matter that has gone before the Courts. It simply means the Ombudsman does not investigate any order, decision or omission of the Court relevant to that matter. Sometimes a matter may go before the Court and the Ombudsman may later find himself investigating some aspect of that problem because it pertains not to the order or decision of the Court but to the administrative procedures, policies or decisions of a government department or agency. Some examples of problems which may go to Court and later receive the attention of the Ombudsman are:

- A child custody dispute where the custody decision is made by the Court but the Ombudsman is later asked to examine the administrative procedures utilized by the child care agency involved.
- A child abuse case where the actual abuse charges are dealt with by the Court but the Ombudsman is later asked to investigate whether the social worker and child care agency fulfilled their responsibilities.
- A case of a correctional facility inmate who has been assaulted within the facility where the Court deals with the assault charges, but the Ombudsman later reviews the administrative responsibilities of the correctional institution.
- A case putting forth a statement of claim because a departmental official allegedly exceeded his jurisdiction where the merits of the case never get before the Court because the Court rules that the department is not an entity which can be sued and dismisses the action; the Ombudsman later is asked to investigate the question of departmental responsibility and accountability.

These are but a few examples of cases where the Ombudsman may become involved, even though there has been previous Court involvement, and it is always on the clear understanding that the Ombudsman is in no way investigating the decisions or actions of the Court itself, but rather the decisions or actions of a government department or agency.

The question was raised, during the past year by a departmental solicitor, concerning whether a person could lose in Court and win before the Ombudsman. This type of question would not normally arise because the Ombudsman does not look at the exact same issue the Court has ruled upon but rather, as indicated above, a different aspect of the problem; and, in that context, the answer to the question raised by that lawyer could very well be yes. For example, in the case of a child custody dispute, the parent complaining to the Ombudsman may have lost custody of the child in Court, yet the Ombudsman's review may find that some administrative procedure of the child care agency needs to be improved and hence, if such a recommendation is made and accepted, one might say that the individual, while losing in Court, won before the Ombudsman. Also, in the case of the departmental official allegedly exceeding his jurisdiction where the basic issue of departmental responsibility and jurisdictional accountability never got before the Court, if the Ombudsman found that the official did exceed his/her jurisdiction, then one might conclude that the complaint lost in Court and won before the Ombudsman.

The Ombudsman tends to see this whole question, however, as more than just "winning" or "losing", and perhaps this is where the Ombudsman concept differs drastically from the court concept. Whereas the Court system, and the players therein, are caught up primarily in an adversarial approach, a prosecute/defend, a charge/countercharge, a claim/counterclaim, a win/lose situation, the Ombudsman concept looks somewhat beyond a strict legal liability, win/lose situation and, when looking at departmental administrative responsibility, we look not only at whether something is contrary to law but also at whether actions are unreasonable, unjust, oppressive, or improperly discriminatory, or simply wrong. The other point to remember is that the Ombudsman, unlike a lawyer before the Court, is not an adversary or advocate of any party to a complaint but, rather, is an impartial investigator who does not issue orders, but recommends solutions aimed at resolving problems of the bureaucratic system of the provincial government.

In conclusion then, it must be made clear that individuals with problems involving the provincial government do have access to both the Courts and the Ombudsman and the use of one does not necessarily preclude the use of the other.

The Ombudsman and Quasi-Judicial Boards

In the provincial government system, there are a number of boards, commissions and committees. Many of these are, in effect, administrative tribunals performing a judicial or quasi-judicial function; that is, they exercise broad powers akin to that of a judge in hearing and making decisions on matters under provincial legislation. Because these agencies perform such a quasi-judicial function, does not place them outside the jurisdiction of the Ombudsman. Under The Ombudsman Act, an "agency of the government" is defined in the following way:

"Definitions.

1 In this Act

(a) "agency of the government" means any board, commission, association, or other body of persons, whether incorporated or unincorporated, all the members of which, or all the members of the board of management or board of directors of which,

(i) are appointed by an Act of the Legislature or by order of the Lieutenant Governor in Council, or

(ii) if not so appointed, in the discharge of their duties are public officers or servants of the Crown, or for the proper discharge of their duties are, directly or indirectly, responsible to the Crown."

Because these quasi-judicial boards fit this definition, they are, in fact, under the jurisdiction of the Ombudsman and their administrative procedures can be subject to scrutiny despite the fact that they may perform functions of a judicial nature.

In investigating a case during the past year involving a certain quasi-judicial board, our jurisdiction was seriously questioned by the crown counsel representing that board. The crown counsel presented the point that, while hearing appeals under the relevant provincial statute, this board exercised judicial powers comparable to those of a Provincial Court and for the Ombudsman to question the legal process by way of an administrative inquiry threatened the judicial independence of the board. The Ombudsman objected to this line of argument, indicating that to accept such would strongly undermine the intent and function of the Ombudsman's Office under The Ombudsman Act. In essence, every process that the Ombudsman questions could be seen as a legal process because the Ombudsman looks at the administrative actions of government departments and agencies against the background of the statutes and laws under which they operate. As well as looking at the legality of administrative action, we are also looking at the reasonableness of such actions.

In this particular case, it was not the Ombudsman's intention to question the decision of the board, as an avenue of appeal existed for that purpose. The complainant had raised issues about certain administrative and procedural matters, alleging the improper changing of a hearing date, severe criticism by the board chairperson, refusal of the board to examine information and allow evidence, etc. I pointed out to this particular board that these are the kinds of matters which the Ombudsman routinely examines with other boards, commissions, agencies or government departments and in no way is our review of such matters seen as threatening the judicial (or decision making) independence of these particular bodies. On the contrary, proper administrative procedures and actions tend to strengthen the judicial independence of any board, and I indicated my surprise that any board would be concerned about clarifying or establishing that, in fact, it had utilized proper administrative procedures.

A second concern expressed by the crown counsel was the fact that the decision of this board was subject to a full appeal to the Court, with the Court having the jurisdiction to completely rehear and correct any errors which the board may have made. The crown counsel went on to qualify this statement by stating that, "if there *are any errors of a legal nature,* the complainant in this case has a full and complete remedy". While I respected the opinion offered by the crown counsel, I had some concern about that opinion as an argument against the Ombudsman's intervention. In this particular case, under the relevant legislation, it was clear that any person affected by a decision or order of the board may appeal to a judge of the Court, with the appeal being a trial de novo (i.e. a new hearing) and the decision of the judge, final. The legislation spoke specifically of any person affected by a *decision or order* of the board and did not make any specific reference to any person who may feel that they are affected by the administrative procedures or the conduct of the board during a hearing. The legislation relevant in this case, and the opinion of the crown counsel, seemed to be consistent with the general approach to administrative tribunals; namely, that the decisions of such are subject to appeal and then usually on an error of law or point of law.

It appeared to me that, while an appeal to the Court may be a full and complete remedy for any errors of a legal nature concerning the board's decision, such an appeal may not be a sufficient avenue to address administrative or procedural matters. To further illustrate this point, I used the example that an individual could go before a board and, if improper administrative procedures were used, that individual could go through a hearing and come away feeling aggrieved (embarrassed by inappropriate comments, degraded by certain remarks, humiliated, etc.), even though the decision of the board might turn out in that individual's favour. Under the legislation relevant to the investigation to which crown counsel was objecting, there would be no opportunity to address these concerns because the individual would not be adversely affected by the board's decision. It could be most difficult for the individual to bring forward such a case to the Court in the hope of having the administrative procedures and conduct of the board reviewed. Does this mean that such matters should be allowed to go unquestioned? No! The actions and administrative procedures of these administrative tribunals, boards, commissions, and other provincial government quasi-judicial bodies are subject to review by the Ombudsman.

A third concern raised by crown counsel was that, in this case, under the relevant legislation, the board could do nothing to review its own decision and the decision must stand unless overturned by a Court. Therefore, any recommendations by the Ombudsman with respect to the decision itself would be of no effect, and therefore he argued that the investigation is of no practical benefit to the complainant. I agreed with the crown counsel that, even though we were not reviewing the board's decision, had we felt the decision to be clearly wrong or unreasonable, a recommendation would not have been in order and, in fact, would have served no useful purpose. I made it clear, however, that in this particular case we were not reviewing the decision, as an avenue of appeal existed for that purpose. As for an investigation of administrative matters, the practical benefit would depend upon whether or not we found the allegations of inappropriate treatment to be substantiated. If the allegations in such a complaint are not substantiated, then the practical benefit goes to the board in that the board is vindicated and supported in their methods. If, on the other hand, the complainant's concerns are substantiated, then the practical benefit would flow from the recommendations the Ombudsman would make, aimed at improving the situation so that others would not experience similar difficulties. The only practical benefit for the complainant, in such a situation, would be the satisfaction of knowing that improper procedures were hopefully going to be corrected.

In summary then, it must be clearly understood that the Ombudsman does have jurisdiction to investigate concerns involving quasi-judicial boards, and we will continue to utilize the powers granted under The Ombudsman Act to ensure that members of the public receive proper and fair treatment by such boards.

Public Relations

The past year was a very busy year with respect to the public relations work of the office. The Ombudsman's Office has a very small budget and consequently we do not have a very elaborate public education program. Our public education efforts consist primarily of responding to requests for public speaking engagements, participation in conferences, and seminars, or appearances at public functions. Although our public education work takes second place to our primary function of investigating complaints, it is still a very necessary and important aspect of our work because we feel that the Ombudsman and his staff should be accessible to the public to explain the duties and responsibilities of our office. The Ombudsman must not be seen as a faceless, unapproachable individual closeted away from the public behind his office walls, but rather should be known to the public and easily accessible to those who require his services.

Between January 1, 1983 and December 31, 1983, the Ombudsman alone made fifty-one public appearances (of which all but ten were speaking engagements) exposing the Ombudsman concept and message to almost five thousand people. It should be noted that these public appearances all resulted from requests made specifically to the Ombudsman. While the majority of these requests came from groups and organizations in the Winnipeg area, some did involve visits to other parts of the Province such as Portage la Prairie, Selkirk, Brandon, and Crystal City. Unfortunately, because of our very heavy workload this year, we were unable to conduct a tour to the northern areas as in previous years; however, we are hopeful that we shall be able to visit some of the more remote areas next year. Apart from the Ombudsman's personal visitations, the office staff visited various parts of the Province, both by way of investigation of complaints and public relations work. Areas visited included Altona, Arborg, Brandon, Eriksdale, Headingley, Ile des Chenes, La Riviere, Lundar, Notre Dame de Lourdes, Pinawa, Petersfield, Portage la Prairie, Richer, Selkirk, Steinbach, St. Pierre-Jolys, Vassar and Warren.

The public relations work of the office included contact with a cross section of the public, including:

a) *various community groups and organizations* such as the Manitoba Landlords' Association, the John Howard and Elizabeth Fry Society of Manitoba, the Citizenship Council of Manitoba, and others;
b) *various professional groups and associations* such as the Ukrainian Professional and Business Club, the Manitoba Truckers' Association, the Manitoba Protective Officers Association, the Winnipeg Legal Secretaries' Association, the Provincial Judges Annual Meeting, and others;
c) *special interest groups* (women's groups and senior citizens) such as the Women in Search of Knowledge (WISK) Neighbourhood Group, Transcona Friends and Neighbours Club, Lion's Manor Men's Group, Fort Garry Women's Resource Centre;
d) *minority and ethnic groups and associations* such as the Grenadian Association of Manitoba, the Afro-Carribean Association of Manitoba, the Jamaican Association of Manitoba, the National Black Coalition of Canada, the Congress of Black Women of Canada (Manitoba Chapter), and others;
e) *educational institutions and organizations* such as the University of Winnipeg, the University of Manitoba, Hugh John Macdonald School, Garden Grove School;
f) *service clubs and similar organizations* such as Lions, Rotary, Kiwanis, Chamber of Commerce, International Toastmistress, and so forth; and
g) *groups involved with children's concerns* as mentioned earlier in this report.

In conclusion, I would suggest that the Ombudsman's Office can reach a level of maximum effectiveness only if the public is knowledgeable and supportive of the office. Armed with the support of an informed, interested and concerned public, along with the dedication and skill of the civil servants and politicians alike, we can help make the provincial government bureaucracy work in the best interests of all.

Complaint Statistics

Cases Brought Forward From the Previous Year

At the close of the calendar year 1982, 19 cases were pending. The dispositions of these cases are as follows:

Assistance Rendered 2
(82-120-27, Problem re rent rebate and security deposit
82-300-2, Claim dispute)

Declined 1
(82-410-14, Unable to obtain U.I.C. payments)

Discontinued (Ombudsman) 1
(82-110-31, Alleges inappropriate conduct by Human Rights Officer)

Information Supplied 3
(82-100-7, Problem re loan from corporation
82-300-20, Disputes decision of Workers Compensation Board's doctor that he is able to return to work
82-300-22, Delay in settling claim)

Not Supported 5
(82-110-33, Claims Human Rights Commission's action in pursuing case to court is unreasonable
82-220-11, Insufficient drainage ditch
82-230-11, Feels Department improperly interpreting certain regulations, thereby causing a grievance
82-330-50, Alleges inappropriate treatment by Autopac adjuster
82-350-4, Alleges Department caused delay in registration of subdivision plan and feels he should be compensated accordingly)

Partially Resolved 1
(82-230-13, Dispute over Student Aid)

Still Pending 4
(82-120-7, Security deposit not returned
82-120-29, Delay in obtaining return of security deposit
82-120-30, Alleges that poor communication from Department caused her to lose her right of appeal to rent increase
82-120-31, Alleges that confusion between offices caused her to lose her right of appeal to rent increase)

Resolved 2
(82-120-23, Landlord/tenant dispute
82-180-12, Dissatisfaction with procedures followed by Manitoba Labour Board)

Dispositions of 1983 Complaints

Assistance Rendered	120
Declined	42
Discontinued (Client)	39
Discontinued (Ombudsman)	8
Information Supplied	223
Not Supported	153
Partially Resolved	3
Pending	58
Resolved	82
Total	728

The cases where it could be said that the Ombudsman was most helpful to the complainant are those closed out as Assistance Rendered, Information Supplied, Partially Resolved and Resolved. When we combine these dispositions, we find that out of 670 cases concluded the Ombudsman has been *helpful* in 428 cases, that is *64%*.

There were 58 cases, that is *8%* of the workload, *carried over* to be disposed of in the next reporting year.

There was a relatively small number of cases where the Ombudsman *declined* to investigate, namely 42 cases or *6%* of the total number of complaints. The Ombudsman may have declined investigation because of lack of jurisdiction or in some cases the Ombudsman may have found the complaint: required no investigation; dated too far back in time; was frivolous, vexatious, not made in good faith, or concerned a trivial matter; or was not in the best interest of the public or the person aggrieved.

Of the complaints investigated, *23%* were found to be *not supported*, which essentially means that the evidence available did not support maladministration by the government department or agency.

About *6%* of the workload involved cases that were either discontinued by the client, i.e. the complainant, or by the Ombudsman for various reasons. Sometimes the reason was a lack of interest on the part of the complainant or the choice of another avenue of redress, for example, the court system. In other cases, the Ombudsman may have found the complaint: required no further investigation; dated back too far in time; was frivolous, vexatious, not made in good faith, or concerned a trivial matter; or was not in the best interest of the public or the person aggrieved.

Complaints Attributed to Each Department or Category

Quite often I am asked, by members of the public or by departmental officials, what is the area in which I receive the largest number of complaints. I always explain very carefully that the number of complaints against, or involving, a particular government department does not necessarily indicate the level of efficiency or effectiveness of that department, but rather may simply be indicative of the size of that department and the degree of involvement or contact it has with the public. The size of a department and the nature of the service it provides to the public will determine, to a large extent, the number of complaints or concerns expressed with respect to that department. The Ombudsman measures the efficiency and effectiveness of a department not by the number of complaints against the department, but rather by the manner in which a department responds to the concerns raised. Keeping this in mind, I have nonetheless, in response to the interest expressed re numbers of complaints, marked the provincial government departments and other categories below according to the number of complaints attributed to each.

Rank	Department or Category	No. of Complaints	Percentage of Total (Approximately)
1	Community Services and Corrections	107	15%
2	Private Matters	95	13%
3	Manitoba Public Insurance Corporation	84	11%
4	Housing (Manitoba Housing and Renewal Corporation, Rentalsman, Rent Regulation Bureau)	68	9%
5	Health	62	9%
6	Highways and Transportation	39	5%
–	Attorney-General (Criminal Injuries Compensation Board, Human Rights Commission, Manitoba Legal Aid, Public Trustee)	39	5%
7	Manitoba Hydro	30	4%
–	Municipalities, Cities, Towns, Etc.	30	4%
–	Federal Departments and Agencies	30	4%
8	Natural Resources	22	3%
9	Courts of Law	19	3%
10	Workers Compensation Board	17	2%
11	Agriculture	14	2%
12	Education	13	2%
–	Manitoba Telephone System	13	2%
13	Labour and Employment Services	11	2%
14	Municipal Affairs	8	1%
15	Environment and Workplace Safety and Health	6	.8%
–	Finance	6	.8%
16	Government Services	5	.7%
17	Consumer and Corporate Affairs	3	.4%
–	Economic Development and Tourism	3	.4%
18	Northern Affairs	2	.3%

Rank	Department or Category	No. of Complaints	Percentage of Total (Approximately)
19	Manitoba Lotteries and Gaming Control Commission	1	.1%
	– Energy and Mines	1	.1%
20	Civil Service Commission	0	0%
	– Civil Service Superannuation Board	0	0%
	– Co-operative Development	0	0%
	– Cultural Affairs and Historical Resources	0	0%
	– Fitness, Recreation and Sport	0	0%
	– Provincial Auditor	0	0%
	– Urban Affairs	0	0%
	Totals	728	100%

Complaints by the Year

Year	Written Complaints	Telephone Enquiries	Total of Written Complaints and Telephone Enquiries
1970	333	—	333
1971	396	—	396
1972	487	—	487
1973	441	—	441
1974	641	—	641
1975	651	—	651
1976	596	—	596
1977	606	—	606
1978	543	—	543
1979	531	—	531
1980	510	—	510
1981	526	—	526
1982	551	*348	899
1983	728	1,179	1,907
Totals	7,540	1,527	9,067

*This number represents telephone enquiries from *September* 16, 1982, to *December* 30, 1982.

Sources of Complaints

Altona	1
Amaranth	1
Angusville	2
Anola	2
Arborg	5
Beausejour	2
Birtle	1
Boissevain	2
Brandon	30
Bruxelles	1
Carman	3
Cartwright	2
Cromer	1
Crystal City	1
Darlingford	1
Dauphin	8
Dugald	1
Elie	1
Erickson	1
Ethelbert	1
Fisher Branch	1
Flin Flon	5
Fraserwood	2
Gimli	1
Glenella	2
Grand Falls	1
Grand Marais	1
Gretna	2
Grunthal	1
Gypsumville	1
Hazelridge	4
Headingley	40
Hodgson	1
Holland	1
Ile des Chenes	1
Inglis	1
Island Lake	2
Kelwood	3
Killarney	4
La Broquerie	1
La Salle	1
Lake Audy	1
Langruth	1
Leaf Rapids	1
Lockport	2
Lorette	1
MacDonald	1
MacGregor	1
Manigotagan	1
Mather	1
McAuley	1
McCreary	1
Meleb	1
Melita	2
Morden	2
Neepawa	9
Newton Siding	1
Norway House	1
Notre Dame de Lourdes	4
Oakbank	1
Otterburne	1
Petersfield	1
Pikwitonei	1
Pinawa	2
Pine Falls	3
Plum Coulee	1
Pointe du Bois	1
Poplarfield	1
Portage la Prairie	9
Prawda	1
Rapid City	1
Richer	1
Riding Mountain	1
Rivercrest	1
Riverton	1
Rorketon	1
Rosa	1
Rossburn	1
Rossendale	1
Russell	1
St. Adolphe	1
Ste. Anne des Chenes	3
St. Claude	1
St. Germain	1
St. Pierre-Jolys	2
Ste. Theresa Point	1
Sanford	1
Selkirk	20
Seven Sisters Falls	1
Sifton	1
Snow Lake	2
Somerset	1
Starbuck	1
Steinbach	3
Stephenfield	1
Stony Mountain	12
Strathclair	1
Swan River	5
The Pas	8
Valley River	1
Vassar	3
Virden	6
Vita	1
Warren	2
Wawanesa	2
Whitemouth	2
Winkler	5
Winnipeg	392
Winnipegosis	1
Woodridge	2
Subtotal	690
Out of Province	
Alberta	8
British Columbia	7
Ontario	11
Saskatchewan	10
Northwest Territories	1
Subtotal	727
Out of Country	
Switzerland	1
Total	728

Selected Case Summaries

Cases Involving Children

83-140-3 Department of Community Services and Corrections

Concern About the Well-Being of a Juvenile

A very worried father telephoned the Ombudsman expressing concern over the fact that his seventeen year old son was soon to be released from custody in a youth centre without appropriate plans being in place for his care.

The complainant indicated that his son, a victim of drug abuse, had been in and out of mental hospitals and youth centres and is currently on probation. The son had been diagnosed as violent and reportedly had attempted to harm his mother, and according to the father had recently reported that he wanted to get out of the youth centre so he could kill his mother. The entire family was living in fear of the boy's release from the youth centre as soon as he turned eighteen which would take place about a month from the date the father contacted me.

I contacted the Superintendent of the youth centre and arranged an interview to discuss this case at my office. A case conference was later convened by the Children's Aid Society involved with this youth and I was invited to attend. The boy's parents were present and representatives of many of the agencies that had been involved with this youth. After much discussion by all parties concerning this case, the Ombudsman made a suggestion which essentially was that the youth be encouraged, through counselling at the youth centre to which he reportedly responded fairly well, to seek help voluntarily for the mental problems he was experiencing because it seemed to me that the boy's every action was a hidden cry for help. From there the services of a psychiatrist (preferably outside of the system) would be engaged to look at the youth's total history and devise some plan for ongoing care. This idea was agreed upon and the Superintendent of the youth centre agreed to set things in motion and the other agencies agreed to lend their support. At a later meeting, the Superintendent of the youth centre advised me that the young man was responding well to counselling and has agreed to voluntarily seek help at a psychiatric facility when he turns eighteen years old.

In this particular case, the Ombudsman's Office acted as a catalyst to bring together concerned parties and stimulate positive action in the best interests of a juvenile and his family.

83-140-12 Department of Community Services and Corrections

Questions Relating to Adoption and Post-Adoption Registry

The complainant approached our office indicating concern about the proceedings leading up to the adoption of her two children. She claimed that the Children's Aid Society told her she had signed a paper giving up her children and subsequently her children were legally adopted. This woman reported that she did not recall signing any such paper and that when she asked the Children's Aid Society to let her see the paper she signed they would not do so.

Apart from seeking clarification concerning the events leading up to the adoption, the complainant advised that she had written a letter giving the Children's Aid Society permission to share with her children identifying information about her, their natural mother. She stated that the Children's Aid Society had not passed this information on and she very much wanted her children to know that she is alive, that she still loves them very much, and that they are welcome any time at her home.

Our office investigated this matter directly with the Children's Aid Society and confirmed that through proper court procedures a judge had granted to the Children's Aid Society a permanent Order of Guardianship on the two children and that both parents had been present in court and in agreement with that decision. The Children's Aid Society records further indicated that plans were to be made as soon as possible to place both children for adoption together. From the documentation we reviewed we were able to assure the complainant that she had been duly notified and present on the scene when the order, giving the agency the authority to place for adoption, was made.

Concerning the complainants desire to communicate with her children we studied this matter very carefully and had to advise that because adoption has occurred the Manitoba laws regarding confidentiality and the adoption registry must be adhered to.

The Child Welfare Act of Manitoba does make some provision for the divulging of identifying information and personal contact after adoption has taken place. However, it seems to focus primarily on the sharing of information or personal contact between an *adult* adoptee (that is a person 18 years of age or over) and his natural parents where they have voluntarily consented in writing to such sharing of information or personal contact. As well, the Act provides for the sharing of identifying information or personal contact between the adoptive parents and the natural parents of an adoptee where the adoptive parents and the natural parents have voluntarily consented in writing.

Regarding both the situations mentioned above (1. The sharing of identifying information or personal contact between an adult adoptee and his natural parents; or 2. The sharing of identifying information or personal contact between the adoptive parents and the natural parents of an adoptee), the important factor seems to be that both parties have to voluntarily consent in writing. I had some questions as to what should be the role of the Director of Child Welfare or the child caring agency (the Children's Aid Society) in receiving such consent. It has been indicated to me that the role of the Children's Aid Society to date has been a passive one, that is the agency does not actively seek such consent from either party. However, if both parties indicate to the agency a willingness to have personal contact or to share information then the agency will take steps to bring this about. The main question I had was what happens in a case such as this one where one party, the natural parent of an adoptee, had indicated a willingness for the sharing of identifying information and the other party, the adoptive parents, had not – and possibly because they did not know that the natural parents had made such a request? Does the agency have any obligation to contact the adoptive parents and let them know of this request so that if they wish to register a similar request they can do so?

The opinion given to me by the Children's Aid Society was that to date the agency had been passive in this regard. I decided however to pursue the matter further with the Director of Child Welfare. I was informed that when the legislation concerning the Post-Adoption Registry was enacted in 1979 it did purposely create a passive and restrictive Registry. Since then, however, many people have raised the idea of having a more active Registry, one which would provide a more comprehensive Post-Adoption service through the child caring agencies. To bring this about, there would probably have to be a change in the legislation as well as the provision of more staff and financial resources. We were informed that the Adoption Council will be recommending a more active Registry. The Director of Child Welfare advised us that he supports the idea of a more active Registry and would be requesting the resources necessary to operate such a registry.

We were able to advise our complainant of this positive outlook concerning a more active Post-Adoption Registry indicating that if such became a reality she would have more opportunity to pursue the idea of personal contact with her children or, at least, the sharing of identifying information with them. We had to conclude, however, that for the time being her situation is governed by the current legislation, policies and procedures. Our office went on record with the Department as supporting a more active Registry, one which would be able to respond more adequately and deal more effectively with requests such as those of our complainant.

83-140-19 Department of Community Services and Correction

Foster Parents Feel Department of Community Services and Corrections Should Pay Compensation as a Result of a Theft of Cash and Tools by a Foster Child in Their Care

A foster child stole the vehicle of his foster parents along with approximately $700.00 cash and some tools and equipment which were in the vehicle. The vehicle was located extensively damaged. The equipment, tools and money were not recovered. The foster parents requested compensation from the Department in July of 1982. As the complainants had not received any compensation, they wrote to our office on February 6, 1983.

Enquiries were made with the Department and we were advised that negotiations were taking place to determine the amount of compensation, following which authorization for compensation would be requested from the Minister.

On May 25, 1983, having heard nothing, we wrote to the Department requesting a status report on the matter. Shortly thereafter we were advised that a submission recommending compensation had been prepared and forwarded to Treasury Board. However, Treasury Board requested more information relating to the handling of similar cases in the past and requested recommendations on how cases should be treated in the future. We were advised that we would receive notification of the decision.

Our office continued to follow up on the matter with the Department until the matter was resolved. It was not until November 1983 that authorization was finally received to provide our complainants with the compensation for the losses suffered.

83-140-21 Department of Community Services and Corrections

Allegation that Child Caring Agency Leaving Children in Potentially Dangerous Situation

A father contacted our office expressing concern over his two young daughters. He stated that his daughters (2 and 3 years old) had been sexually molested and that he had been named, by the children and their mother (with whom he was no longer living), to be a suspect. The caller indicated that, as part of a police investigation, he took a polygraph test, the results of which he claimed indicated he was not responsible for the sexual molestation of his daughters. The father further claimed that he and his wife had not cohabitated for some time and he recently became legally separated

from his wife. He maintained that there were only three occasions when he saw his children without their mother present, and on these occasions there were others present.

Essentially, the complainant felt that he had been cleared of the child molestation charges and that the problem must be originating elsewhere, namely in the children's home environment. He felt the Children's Aid Society should be removing the children from that environment until such time as the matter was cleared up.

Our office checked directly with the Children's Aid Society and found that the Agency was satisfied that the children were not in a dangerous situation. We were assured that, if there were any indication at all that the children were in need of protection, they would be immediately removed from that environment. The Children's Aid Society advised that there is an ongoing police investigation concerning this problem and, despite the father's polygraph results, the police had made no pronouncements clearing him of suspicion. The Children's Aid Society was working very closely with the police and the children's mother, who reportedly was co-operating with the Agency. With the situation being closely monitored by the Children's Aid Society, there appeared to be no justification for apprehending the children.

We informed our complainant that, while we could appreciate the concerns he as a parent would have, there was no evidence to indicate improper administration by the Children's Aid Society. On the contrary, it appeared that the Agency was taking this matter very seriously by following up very closely with the police and the children's mother. We suggested to the complainant that he, being the children's father, would have the right to discuss directly with the Children's Aid Society any concerns he might have with respect to the well-being of his children.

Our investigation revealed that there was a custody dispute before the courts with regard to these children and we suspect that this particular complainant may have been trying to utilize our office to his benefit in that regard. We emphasized to the complainant that custody matters must proceed through the proper legal channels and suggested that he maintain contact with his lawyer.

83-140-22 Department of Community Services and Corrections

The Best Interests of the Child

A foster mother contacted our office concerning her Native foster son who had been with her family for approximately two years. The boy, now three years and eight months old, had been physically and emotionally abused before being placed in her home and was just now beginning to show a capability to express love and affection.

About one month before contacting our office, the foster mother had received word from the Children's Aid Society that she was to prepare her son for removal from her home and placement in another home in keeping with the current aim of placing Native children in Native homes. Reportedly, the push for removal of this child was being put on by a Native child and family services agency, and the Children's Aid Society of which this child was a ward was responding accordingly. The mother alleged that when she questioned the proposed move, pointing out that it may not be in the best interests of the child to move him at a point when he is just establishing trust, she was threatened by the Children's Aid Society with the removal of her foster parent's licence if she made waves about this matter.

I discussed with this complainant the idea of Native people wishing to become responsible for the well-being of their children. I emphasized, however, that in the final analysis one must always be careful to do what is truly in the best interests of the child. I pointed out also the responsibilities of the child caring agencies in this regard. I asked the complainant to send us her concerns in writing. However, I then proceeded to pursue this case on my own initiative because the issues presented by the complainant caused concern to me as well.

A review of this situation was conducted through the office of the Director of Child Welfare. Reports were received and discussions held with appropriate officials in an effort to assure ourselves that proper procedures were being followed by the child caring authorities and that due and proper consideration was being given to the best interests of the child.

Our investigation revealed that with regard to the Children's Aid Society's relationship with the foster parents, there appeared to be some ongoing tensions between the two. The impact of the agency's action had been taken by the foster parents at an emotional level expressed in feelings of hurt, disappointment and anger; the agency's actions were perceived and interpreted as "threatening their status as foster parents." We were able to ascertain, however, that regardless of the communication block, the position of the Children's Aid Society was that they saw no basis on which to withdraw the foster parent's licence, particularly in view of the care these parents had given to the children in their home.

Our office had some concerns about the co-ordination and adequacy of the planning with regard to the future of this young child. Our concerns were expressed to the Director of Child Welfare and through his office to the agency. Our concerns were considered and responded to and at the conclusion of this case we were satisfied that all the available resources were being mobilized, co-ordinated, and utilized in planning for the best interests of the child.

83-140-23 Department of Community Services and Corrections

Ensuring Quality Care at a Group Home

Concern was expressed to the Ombudsman's Office by the Vice-Chief of the Assembly of First Nations concerning the operation of a provincially-licenced group home housing Native children. A complaint by a former worker in the home had been brought forward alleging that: older boys in the home were sexually abusing younger boys; that management of the home were lying to the children as a means of controlling them; forcing children to participate in religious activities; and forcing children to pray for forgiveness when disobedient. This complaint had been directed to the Department of Community Services and Corrections, the Provincial Government Department responsible for the licencing and setting of standards for group homes. At the time the complaint reached our office, concern was being expressed over what was felt to be an inadequate response to the former worker's complaint and also there was much suspicion that an investigation then underway by the Department would not properly review the concerns presented.

The Ombudsman's Office responded immediately advising our complainant that we would check with the Department of Community Services and Corrections to find out exactly what action was being taken regarding the concerns presented, and we indicated as well that we would monitor this entire situation very closely.

Our investigation involved a review of all documentation, meetings with various departmental officials, meetings with our complainants, and a visit to the group home and discussions with officials of the home. The result was that we were able to clarify many of the misunderstandings that had enabled this matter to escalate to the critical point it had reached and we were able to assure ourselves and the complainants that the Department had in fact conducted a very thorough and fair investigation into the matter, culminating in a report containing very appropriate recommendations. One of the problems had been a reluctance by the Department (primarily because of the attention this case had received by the media) to provide a copy of this report to the complainants. An unsuccessful attempt had been made to share the information verbally at a highly explosive meeting. Our office was able to convince the Department that this report should be provided to the complainants and that such open communication would remove the cloud of suspicion that surrounded the Department's investigation.

During the course of our investigation, we were able to assure our complainants that the larger and more general issue of the placement of Native children in a non-Native environment was something that had to be dealt with separate and apart from the particular concerns expressed about this group home. We indicated that the Provincial Government had commissioned Judge E. C. Kimelman to assess Manitoba's group homes in general, with reference to the adequacy of available facilities, geographic distribution, and the cultural appropriateness of programming for Native children.

We concluded our investigation satisfied that the Department would continue to monitor this group home very closely to insure the implementation of all its recommendations. As well, we advised our complainants that we would conduct a follow-up visit in the future.

83-140-57 Department of Community Services and Corrections

Removal of Foster Son from Home

A complaint was received from non-Native foster parents concerning the removal, from their home, of their foster son who was of partial Native ancestry. The foster parents reported that, prior to the child being placed in their home, they were requested to make some long-term commitments to his care due to special needs he had as a result of behavioral and emotional problems. This request for commitment from the children's aid society apparently included a six-month leave of absence for the foster mother from her employment to facilitate his adjustment to his new environment and to provide the consistency and care required in his treatment plan. The foster parents were prepared to make these commitments and the child was placed in their home.

Just short of three months later, the child was removed from their home and he was placed with a Native family living on a reserve. The entire process and decision around this move occurred in a period of less than two weeks.

When the transfer plan had first become known, the foster parents had made numerous attempts to appeal this matter and they had questioned whether or not the action being taken was in the best interests of the child. However, they did not receive adequate responses to their enquiries, nor was there an effective or quick appeal process available to them.

The foster parents submitted an official request for an appeal of this case to the Minister of Community Services and Corrections, with a copy to my office. Therefore, as a review was being conducted by Community Services and Corrections, through the Office of the Director of Child and Family Services, we did not become involved in investigating the matter directly. Rather, we obtained a copy of the Department's final report and reviewed its determinations to ensure that all concerned had been dealt with fairly.

In our review of the Department's report, its findings and recommendations, there was lit'le to support that the decision to relocate this child was made strictly on the basis of considering his best interests. I had to seriously question the quality and adequacy of the planning and information sharing on the part of the service agencies involved in the decision making which had a direct effect on the rights and needs of both the foster child and the foster parents. Had this matter been examined more closely by the decision makers, at the very least, it might have resulted in a more appropriate time framework and process for this transfer to occur.

In the long run, it may well turn out that this child's best interests were facilitated by the change in foster homes, particularly if such leads to a successful reunion with his mother and appropriate ties with his cultural heritage. Nonetheless, the Department's report raised concern – and in my opinion justifiably – over the fact that this entire situation was handled in a manner which gave little consideration to ensuring the protection of the rights of the child or the foster parents. Nevertheless, taking all the factors into consideration with primary concern being given to the adjustment of the child in his new foster home, and the potential harm which might result in further disruption to him, there was little evidence to support any decision to have him returned to his previous placement.

Notwithstanding the importance of cultural and familial ties, I must emphasize my firm belief and position that, despite whatever perceived or real political pressures may relate to issues concerning Native rights and Native children, the children's aid societies who are currently mandated to protect children must not abdicate their responsibility and must take control and be accountable for the decisions affecting those children under their jurisdiction, whether they be Native or non-Native.

The report prepared by the Office of Child and Family Services contained several recommendations which related directly to this specific case and also to the broader issue of the rights of foster parents. I endorsed the recommendations made and particularly support the need for a clear definition of a formal appeal process to be instituted, in an effort to avoid similar occurrences in the future. I understand that the Director of Child and Family Services submitted recommendations to the Minister of Community Services and Corrections for consideration. I have requested to be advised of any final decisions relating to the recommendations contained in the report.

83-140-60 Department of Community Services and Corrections

The Lost Bicycle

In July of 1983, we received a letter from a woman who indicated that her grandson had been a resident at a youth centre for approximately nine months. During this time, he had been allowed to have his bicycle with him at the centre.

He was transferred to another centre in Regina in September of 1982. The complainant reported that arrangements were to have been made to have the bicycle transported to her grandson in Regina. When no action was apparently forthcoming in this regard, our complainant was in contact with both the Children's Aid Society and the youth centre. She subsequently learned that the bicycle had, in fact, been stolen from the centre during this period of time.

At the time of writing to our office, the complainant indicated that nothing had been done to resolve the matter with respect to replacement of the bicycle. Enquiries were made with the Director of Child and Family Services on this matter.

We were advised that, after a review of the matter, the Children's Aid Society did acknowledge that they had the primary responsibility to arrange for transporting the bicycle. It was also acknowledged that the Agency had a responsibility to replace the bicycle and was prepared to do so. In order to expediate the resolution on the matter, it was apparently agreed by the Director of the Children's Services Department of the Agency that her staff would contact the centre in Regina to arrange for the purchase of a bicycle as soon as possible. The Agency was going to pay for the bicycle and request that the insurance be paid to the Agency, assuming the difference in the cost of the new bicycle and the insurance. We were advised that the matter would be resolved as quickly as possible.

Our complainant was advised of this resolution, and our file was held open, pending notification that the grandson had in fact received his new bicycle. Eventually, our complainant advised that the bicycle was replaced during the week of October 3, 1983. Our file on this case was closed showing the matter resolved.

83-140-66 Department of Community Services and Corrections

Difficulties Placing Child in Day Care Program

The complainant in this case wrote to our office indicating that she was experiencing difficulties in having her child placed in the Provincial Child Day Care program.

She reported that, when her daughter was approximately two months of age, she had registered her with the Provincial Child Day Care office. During the course of subsequent inquiries, she apparently received some conflicting information as to how children were registered with the program. She expressed concern that her daughter was now 18 months old and had yet to be admitted to a Day Care facility. She herself was planning on returning to University in the Fall of 1983 and had no other means of obtaining Day Care for her daughter.

We contacted the Department of Community Services and Corrections, Child Day Care office, requesting information on this matter. We subsequently received a letter from that office outlining their procedures for handling and registering requests for family Day Care.

It appeared that our complainant had in fact been placed on a waiting list and, coincidentally, at the time of our inquiries she was found to be second on the list for her area. Her daughter was subsequently placed in a family Day Care home, prior to the commencement of the University Fall term. This case was satisfactorily resolved.

83-140-67 Department of Community Services and Corrections

Ombudsman's Report re Child Abuse

On August 10, 1983, the Minister of Community Services and Corrections for the Province of Manitoba wrote to the Ombudsman concerning The Children's Aid Society of Eastern Manitoba and a case of child abuse which, at that time, had been before the Courts for judgement and was still there for sentencing purposes. The case was one where a stepfather had been found guilty of sexually abusing his three stepchildren over a period of years. On October 28, 1983, the stepfather was sentenced to a twenty-year prison term, which he later appealed, with the Court of Appeal on February 6, 1984, upholding the trial judge's decision and sentence.

At the time this case was referred to the Ombudsman, it had already received notable coverage by the Manitoba news media and, as well, had been subject of discussion in the Legislative Assembly. One significant point of concern was the fact that during the trial there appeared to be conflicting testimony of one of the abused children and a child welfare worker as to the reporting of the abuse to the agency, with the child maintaining that he had, in fact, informed the child welfare worker of the abuse and the worker maintaining that he had no recollection of anything which would have caused him to have formally followed up the matter as one of sexual abuse. The trial judge had chosen to believe the testimony of the child and, in giving his decision, had commented on what he felt to be a lack of action on the part of the child welfare worker.

Concern was expressed in the Legislative Assembly to the Minister of Community Services and Corrections over the question of both the agency's and the worker's responsibility in this case, and ultimately the matter was referred by the Minister to the Ombudsman for review.

The Specific Request

The Ombudsman was specifically requested, by the Minister of Community Services and Corrections, to:

1. Undertake a review regarding the legal and professional practices of child abuse reporting in general; and
2. Undertake a review of the matters relating to this particular case.

The Ombudsman has completed an extensive investigation into the matters referred to him and has submitted a report to the Minister of Community Services and Corrections. Due to the confidential nature of the material dealt with, both from the point of view of The Ombudsman Act and The Child Welfare Act, the Ombudsman has chosen not to make his report public in its entirety. One of the primary considerations of the Ombudsman in making this decision, apart from the question of confidentiality, is the fact that the best interest of the children must always be paramount. The Ombudsman does appreciate, however, the public's right to know the outcome of his investigation into questions which have been raised in the public forum. Section 43 of The Ombudsman Act reads as follows:

> *"Publication of reports.*
>
> *43 In the public interest, or in the interest of a person, department or agency of the government, the Ombudsman may publish reports relating generally to the exercise and performance of his functions and duties under this Act or to any particular case investigated by him, whether or not the matters to be dealt with in the report have been the subject of the report made to the assembly under this Act."*

In accordance with Section 43 of The Ombudsman Act, the Ombudsman is releasing, in the public interest, edited exerpts from his report including his findings and recommendations.

Findings re The Particular Child Abuse Case

1. *That in March, 1981, The Children's Aid Society of Eastern Manitoba, through its Social Worker had sufficient information to warrant a formal investigation of possible sexual abuse of the children in this case.*

At the outset of this case, concern had been raised publicly about the role of the social worker's supervisor. It is to be noted here that while the information obtained by the Ombudsman during his investigation tends to support that the social worker received information firsthand re possible sexual abuse, there is no clear evidence to indicate how much, if any, of this information was actually communicated to his supervisor. While some communication regarding the case did take place between the social worker and the supervisor, there was no evidence to indicate that information re possible sexual abuse was passed on. I do not understand why discussion of the case between the social worker and his supervisor would not include the information concerning the possible sexual abuse. However, as both the social worker and the supervisor denied discussing any matter relating to sexual abuse, and as there is no evidence to the contrary, I cannot conclude that the supervisor had sufficient information to initiate a formal investigation of possible sexual abuse.

2. *The Children's Aid Society of Eastern Manitoba, through its Social Worker, erred in judgement by not formally reporting and pursuing the question of possible child abuse on the strength of the information presented by one of the children in March, 1981.*

With this finding, the same point is to be made regarding the supervisor as stated with finding number one. Because there is no evidence to conclude that the supervisor was aware of the information, one cannot conclude that the supervisor erred in judgement.

3. *That the note taking and recording procedures utilized by the Social Worker were inadequate.*

While the Ombudsman recognizes that note keeping and recording procedures may vary from social worker to social worker and agency to agency, depending upon many factors such as the personal preferences and style of a social worker, the time available for recording, the nature of cases being dealt with, the size of the caseload, the policy of the agency, and so forth – nonetheless, the Ombudsman feels that proper note keeping and recording should enable, at any time, documented retrieval of important information in a manner that leaves very little to recollection and guesswork.

In reviewing the file recordings and social worker's notes on this case, there was a noticeable lack of information on what appeared to the Ombudsman to be rather important interviews and events in the lives of the children. The material in summary file reports was drawn from the caseworker's handwritten notes, which were scant, and more often from information stored in the worker's head.

The Ombudsman recognizes that in this case the social worker's method of taking notes, sorting information, and file recording may have come about partially because of a heavy and demanding caseload. While the pressures of time and a heavy caseload might be responsible in part for this method of recording, I maintain that the child welfare field is too important an area of work to entertain such methods of record keeping. Perhaps very serious consideration must be given, by agencies and funding sources, to enabling social workers to have manageable caseloads.

Findings re The Legal and Professional Practices of Child Abuse Reporting in General

1. *Some confusion could arise between the "Guidelines in Cases of Child Abuse" on the one hand and The Child Welfare Act and Regulation on the other hand, thereby producing the potential for inconsistency in approach to child abuse matters.*

2. *That over the past decade, there has been an evolution of philosophy and practice with regard to child abuse and, particularly, sexual abuse. The information now available needs to be sorted out, balanced and consolidated, to arrive at a clearly defined philosophy and policy which will form the basis for a consistent approach to the problem of child abuse.*

In arriving at finding number two, the Ombudsman, in his report, spent a little time discussing the evolution of philosophy and practice with regard to child abuse matters because, undoubtedly, as people become more comfortable with reporting child abuse, there will be more and more cases of sexual abuse brought to light, many of which will relate to years gone by, and some of which may allege (as in the particular case reviewed) inaction, insufficient action, errors in judgement and so forth, on the part of social workers and agencies. I would caution that, when such allegations are brought forward, one not be too quick to judge and condemn, keeping in mind that we are now looking at child abuse and sexual abuse through somewhat enlightened eyes and a heightened sensitivity and awareness of such matters. When we comment now on actions, errors or omissions that took place in the past, we should try to do so not particularly in light of our expectations of today, but against the background of the philosophies, attitudes, expectations, guidelines and legislation applicable at the time of the incidents involved.

3. *That while there may be good co-operation among the child caring agencies, the local Police, and the medical profession, there still remains room for improvement re the sharing and co-ordination of information among agencies and personnel involved with potential child abuse families and situations.*

While one wants to be careful not to conjure up George Orwell's spectre of Big Brother watching over us, it may be necessary, when thinking of preventative measures with respect to child abuse, to consider a centralized and perhaps computerized co-ordinated source of information to which any agency or professional could turn for an instant profile on a family in respect to the care of children in their charge. This could perhaps be done through the Child Abuse Registry under the Director of Child Welfare. If, for example, a doctor treating a child for an injury had some concerns about how the injury took place, he/she could feed appropriate information into the computer and then perhaps learn that the child's brother or sister had, at one time, been referred to a child caring agency because of attending school with bruises. Such information would prompt interdisciplinary communication which perhaps would not otherwise take place. Although some may argue that such measures would invade the right of an individual to privacy, I would strongly suggest that the right of children to be free from abuse far outweighs any right to privacy than any individual may claim.

4. *That there is probably a need to provide intensive training to social workers, and other professionals who come into contact with children, regarding child abuse in general, but particularly regarding sexual abuse of children.*

With the ever-increasing body of knowledge and the number of cases coming to light concerning sexual abuse, the Ombudsman feels that all people having professional contact with children would benefit from training which would elaborate upon what constitutes sexual abuse, what are the signs of a sexually abused child, what to do in instances of alleged sexual abuse, what the law says about sexual abuse, agency and individual responsibility, and so forth.

Conclusion and Recommendations

This report has just scratched the surface of a very complex and critically important subject. While it is recognized that many progressive steps are being taken by people of good will throughout the Province of Manitoba to confront and curb child abuse, at the same time it is recognized that much, much more has to be done to ensure that our citizens, children and adults alike, do not become victims of sexual abuse or any form of child abuse. The suffering resulting from child abuse is not restricted to the children experiencing the abuse, but indeed is felt by all who have any relationship or connection with these children. The wounds do not heal easily and often leave scars that carry on from generation to generation. If even one child in our society suffers from this phenomenon then all society will experience this child's pain, and indeed we must all bear some measure of responsibility to right this wrong.

As a result of my review of this particular child abuse case and my consideration of child abuse in general, I am respectfully submitting the following recommendations for consideration. I am making no specific recommendation regarding the particular child abuse case investigated as I feel my comments and findings speak for themselves. However, some recommendations do come to mind as a result of my review of the legal and professional practices of child abuse reporting in general.

1. Whereas it is proposed that new legislation, namely a Child and Family Services Act, may soon replace the current Child Welfare Act, it is respectfully recommended that immediately such legislation is passed, appropriate regulations and a policy statement re child abuse be devised consistent with the legislation.
2. It is respectfully recommended that the current legislation, namely *The Child Welfare Act*, Manitoba Regulation 160/79, and the provincial protocol entitled "Guidelines in Cases of Child Abuse", be examined and any areas of inconsistency or confusion be clarified. It is particularly important that the question of when, and under what circumstances a child caring agency reports to the Police, be clarified. In order to ensure consistency in approach throughout the Province on this matter, it is respectfully recommended that a clear, unequivocal policy, consistent with the legislation, be established by the Director of Child Welfare and communicated to all child caring agencies in the Province.
3. Whereas there is a need for agencies to quickly assess information that other agencies may have on file, as the sharing of appropriate and relevant information is an invaluable preventative measure, it is respectfully recommended that the Registry of Child Abuse be equipped to provide the service of co-ordinating the confidential exchange of meaningful information.
4. In order to check for consistency of approach throughout the Province, it is respectfully recommended that all child caring agencies be requested to review their current policy on the reporting and handling of child abuse cases and submit the same in writing to the Director of Child Welfare. The Director can then check to make sure the policies utilized by agencies are consistent throughout the Province and are consistent with the legislation and guidelines.

5. It is respectfully recommended that a comprehensive course or training module on child abuse, and particularly sexual abuse, be devised and made a mandatory part of inservice training for all social workers, and other professionals who, in the course of their duties, deal with children.

I sincerely hope that the comments, opinions, and recommendations contained in this report will be viewed in a positive light, and accepted in the spirit in which they were presented, namely in the best interest of the children of this Province. If the contents of this report serve to stimulate further discussion and an honest look at the problem, then it will have served a useful purpose. I would hope, however, that preventative measures may flow from our consideration of this topic, and that people of good will will join hands and work together to make this Province a safe place for all children.

Final Comment

Following completion of his report, the Ombudsman learned that the *Guidelines in Cases of Child Abuse* (of which the Ombudsman has been somewhat critical in his report) have been reviewed by a special task force and new guidelines are proposed and will hopefully soon be in effect. The Ombudsman has reviewed these new guidelines and feels they are a very positive step and may well alleviate the concerns expressed in his report about the current guidelines. The government has also moved in the direction of defining a statement of philosophy and process for handling child sexual abuse cases. As well, the Ombudsman has reviewed the draft of proposed legislation (The Child and Family Services Act) drawn up by the committee reviewing The Child Welfare Act. It is the Ombudsman's opinion that the proposed legislation, if enacted, will provide an improved framework for dealing with cases of child abuse.

The positive steps being taken by government, agencies, social workers, and others to help protect the rights of our children are to be commended, and the Ombudsman would respectfully urge the public at large to remain vigilant in this area, to become knowledgeable and to adopt a concerned yet positive and understanding approach to the question of child abuse.

While the investigation of the case described above was completed prior to the writing of this annual report, the final disposition of this case will be shown in next year's annual report. While the Ombudsman's recommendations have been accepted by the Department, it is the Ombudsman's intention to monitor, over the next year, the implementation of these recommendations and generally any improvements made in the area of protecting children from child abuse.

83-140-70 Department of Community Services and Corrections

Alleged Lack of Communication from Social Worker

A female juvenile, 16 years of age, contacted our office and reported that she was currently a resident at a youth centre. She had been there for approximately 11 days as a result of running from a home where she had been living. Plans were apparently being made for her discharge in approximately one week.

The complainant expressed concern over what she felt was a lack of contact by, and communication from, her social worker during the time that she had been at the centre; as well, she expressed concern about the planning being done for her discharge, which included placement in a group home. She also alleged that her worker had refused to accept telephone calls from her and, on one occasion, had hung up the telephone on her. Essentially, she did not feel that she had been engaged in the planning process.

After meeting with the complainant at the youth centre, this matter was referred to the Director of Child and Family Services for a review. A report was subsequently submitted by the Executive Director of the relevant children's aid society, outlining the complainant's involvement with their agency and her treatment plan. The incident of the worker hanging up on the complainant was acknowledged by the agency as a drastic and inappropriate action with an explanation as to the context in which it was done.

We were advised that an interim placement at the youth centre had been requested, due to difficulties experienced in stabilizing our complainant in any placement settings. The children's aid society was in the process of working through planning details for a highly structured program in an effort to meet her needs. The youth's telephone privileges had been suspended as a result of a decision made by a committee of three workers at the agency who had been primarily involved with her. Therefore, the complainant's social worker, who had in fact communicated this decision to the youth centre, hung up on our complainant to comply with the decision not to allow the complainant telephone privileges. The agency acknowledged the error of the committee with regard to the suspension of telephone privileges, although indicating that in the circumstances involved it would have been appropriate to implement some restrictions. The first visit by the worker did not occur until eleven days after the youth had been placed at the centre. This was also believed, by the worker, to be in keeping with the objectives of the treatment plan.

After receiving and reviewing this report, follow-up enquiries were conducted by my office, which included a visit to our complainant. From our review, it did appear that careful consideration and planning had gone into the treatment plan in an attempt to meet the needs of our complainant. It also appeared that the actions taken by the worker had been done in good faith. Nevertheless, I felt that our complainant had raised some justifiable concerns and I was of the opinion that the reasons for her detention, and the planning being done for her discharge, could have been communicated to her in a much more supportive way. In working with adolescents, I think it is particularly important to keep lines of communication open between the worker and the client in an effort to facilitate an atmosphere for a trusting relationship and positive interactions to occur.

On last contact, both our complainant and her care givers reported very positively on her progress and participation in her treatment plan.

Other Cases

83-100-11 Department of Agriculture Crop Insurance Claim Dispute

A complaint had been received relating to the application of the uninsured causes provisions to the complainant's claim for compensation under his insurance contract with the Manitoba Crop Insurance Corporation. The term "uninsured causes" refers to cause of loss to the insured, for which the insurance policy does not provide protection. An example applicable to the Manitoba Crop Insurance policies would be weed infestation. In addition, he complained of the refusal of the Corporation to pay the award as judged by the Appeals Tribunal as being due to him. The complainant indicated that, at the time the inspector from the Manitoba Crop Insurance Corporation attended to inspect his fields for the purposes of his claim, there was some discussion relating to a program known as the Green Feed Program. It is our understanding that this Program is not, in any way, related to crop insurance coverage and should not affect compensation under the insurance contract. The complainant indicated that he was advised it would be necessary to apply uninsured causes to his claim to allow him to register for this Program. As a result, he signed a post-harvest report acknowledging the application of uninsured causes to his claim.

We were advised that, where the loss is due to what an adjustor feels to be poor farming practice, uninsured causes are applied to any claim. As a result of this application, the amount of compensation to be paid to any claimant is reduced. It was further indicated that, where the adjustor feels that the loss is due to natural hazards, such as drought, the uninsured causes provisions are not applied and a farmer would be compensated in full for his claim.

It was apparent, from a review of a post-harvest report completed by the adjustor, that in this case the adjustor felt that the cause of the loss was drought and not poor farming practices. Drought is one of the losses insured against under the insurance contract and the adjustor specifically stated in the post-harvest report that, in his opinion, drought was the cause of the failure of the crop to grow and further that poor farming practices were not involved as "there was nothing to spray". Therefore, it was our opinion that the uninsured causes provision should not have been applied in this case. Following calculation of his claim and realizing the amount of the reduction due to the application of the uninsured causes provisions and the effect on the compensation he would receive, the complainant had filed an appeal with the Appeals Tribunal.

Counsel for the Manitoba Crop Insurance Corporation felt that, due to the complainant's acknowledgement on the post-harvest report, the matter was not properly appealable in accordance with Section 6(2) of The Crop Insurance Act which states that a matter may be appealed to the Appeals Tribunal unless the insured has acknowledged in writing that the whole or part of the cause of the loss was due to uninsured causes. Counsel for the Manitoba Crop Insurance Corporation advised the Chairman of the Appeals Tribunal and the lawyer acting for the Appeals Tribunal, prior to the date of the hearing, that in his view the panel did not have jurisdiction in this matter. Other than this advice, legal action was not taken to prevent the Appeals Tribunal from hearing the matter.

On the date set for the hearing, the Appeals Tribunal did, in fact, hear the matter and did render a decision. Upon receipt of the decision, the Corporation refused to honour the award on the basis that, as the matter had not been properly appealable, the Appeals Tribunal did not have jurisdiction and the Corporation was not bound by the award.

In a matter which is properly appealable, the decision of the Appeals Tribunal is final and not subject to appeal. In such a case, the agency and the insured person are bound to comply with the decision of the Tribunal. It was clear that the Legislature had placed great confidence in the Appeals Tribunal and its ability to render decisions which were fair and accurate, having regard to the evidence produced and the circumstances surrounding the particular case.

It was our view that, once the matter had been heard by the Appeals Tribunal and on the basis of the evidence adduced and the documents supplied, a decision had been rendered, the Corporation, although perhaps not legally bound to accept the decision, was morally bound.

As a result of our complete review of the matter, it was recommended to the Manitoba Crop Insurance Corporation that the award of the Appeals Tribunal, in favor of the complainant, be paid by the Manitoba Crop Insurance Corporation to the complainant without any deduction for uninsured causes.

In addition, it was recommended that appropriate procedures be established to ensure that, in the future, only such matters that are properly appealable are actually heard by the Appeals Tribunal. We felt that this might involve a review, by a representative of the Crop Insurance Corporation and a representative of the Appeals Tribunal, of each notice of appeal filed. It was our recommendation that, should a dispute arise between these two representatives as to the right of the individual to an appeal hearing, it would be appropriate to have the question determined in a Court of law.

We have been advised, by the Manitoba Crop Insurance Corporation, that procedures have been established to ensure that only cases which are properly the subject of appeal will be heard by the Appeals Tribunal in the future. In addition, our complainant was compensated, in accordance with the decision of the Appeals Tribunal, a sum representing the full amount of his claim. We are satisfied, following our review, with the procedures developed by the Manitoba Crop Insurance Corporation, and feel that these procedures should alleviate any further recurrences such as detailed in the above case summary.

83-110-32 Department of the Attorney-General
The Denial of a Legal Aid Certificate

Our complainant, in this case, had been successful in a court challenge in the Court of Queen's Bench. The Manitoba Court of Appeal subsequently overturned this decision and the complainant wished to appeal to the Supreme Court of Canada. We received a complaint from her relating to the refusal of the Legal Aid Services Society of Manitoba to issue a certificate for legal aid to her for the purposes of appeal.

Upon receipt of this complaint, we contacted Legal Aid Manitoba and explored this matter with that body. Some concern was expressed by Legal Aid Manitoba about releasing certain information we were requesting, namely the legal opinions upon which Legal Aid based its decision not to grant a certificate. The main concern expressed was that Legal Aid had to respect the solicitor/client privilege. Apart from the fact that the client in this case was seeking our help and hence welcomed our involvement, we pointed out that under our legislation we felt we had the right to obtain the information we were seeking. However, to ease the worries of Legal Aid, we did obtain a signed waiver from our client releasing Legal Aid from the solicitor/client confidentiality. Eventually, Legal Aid did understand our position and provided the appropriate information.

Legal Aid also raised the question of what could the Ombudsman possibly do in this case anyway, because the Board of Directors had made its decision on this matter and did not intend to change its mind. I pointed out very clearly that the Ombudsman has no authority to order any board or government department or agency to change any decision which it has made. I indicated that our powers after investigation are those of reporting and recommending. I explained that, in this case, if the Ombudsman after investigating found that the decision made by Legal Aid Manitoba was not clearly wrong or unreasonable, or based on improper procedures, then that would be the end of the matter. If, on the other hand, the Ombudsman was of a contrary opinion then he would report that opinion and his reasons to Legal Aid Manitoba and the appropriate minister and make recommendations as appropriate.

Having resolved the concerns mentioned above, we proceeded with our investigation. In the course of our review of this matter, we interviewed the Executive Director of Legal Aid, reviewed the Minutes of the Meeting of the Legal Aid Board where this matter was considered, and examined the legal opinions submitted to the Board. In addition, this matter was discussed with the lawyers acting on behalf of our complainant, and we reviewed their relevant file material.

We were advised by the Executive Director that, where a matter involved a Supreme Court appeal, it was the practice to appoint three lawyer members of the Board of the Legal Aid Services Society to review the documentation which the applicant or his solicitor was required to submit. Each of these three lawyers would then be required to provide, independently of each other, a legal opinion in writing as to the likelihood of success of the particular case. If the Board, on the basis of these legal opinions, felt in a particular case that there was a reasonable chance of success, a certificate would be granted. If the Board did not feel that there was a reasonable chance of success, the application would be rejected.

The above procedure reportedly was followed by Legal Aid in dealing with our complainant's application and, on August 23, 1983, the application came before the Board of Legal Aid. Based on the three legal opinions, only two of which were in writing, the third having been communicated to the Executive Director by telephone, the application was rejected. Following the rejection of this application, the lawyers acting for the complainant, by way of a letter directed to the Vice-Chairman of the Board, requested that they be permitted to appear before the Board and provide further information on the grounds of appeal. This request was not acknowledged. We were informed by the Executive Director that, following receipt of this letter, the Board did consider whether the application would be reconsidered and the decision was that they would not reconsider their decision.

Our review of this matter raised serious concerns in two areas. Our first concern related to the legal opinions on which the Board had based its decision to deny the application. The letter of instruction to the three lawyer Board members disclosed that only a portion of the material, which we were advised was required to be submitted in support of the application, had been provided to them. This fact, together with a review of the two written

opinions, led us to question the adequacy of the opinions, considering the weight attached to them in deciding to accept or reject the application. Consequently, the Ombudsman made a recommendation that new legal opinions be prepared, based on all available, relevant material, and that upon receipt of such opinions the complainant's application for legal aid be reconsidered.

The second matter, even more disconcerting, was the Board's refusal to obtain new legal opinions suggesting that it had not been the Board that had denied the issuance of a Legal Aid Certificate, but rather the Executive Director since such discretion is his responsibility under the Legal Aid Regulations. Section 18(5) of the Regulations to The Legal Aid Services Society Act provides that the Executive Director has the discretion to issue a certificate on appeal matters. Section 88 of the Regulations provides for an appeal to the Board from the decision of the Executive Director. After the Ombudsman had investigated and made a recommendation in this case, the Board was now taking the position that they would not implement the Ombudsman's recommendation because the complainant still had an avenue of appeal available to her under the Regulations. The Board even went as far as setting a date for the complainant to have an appeal hearing.

As previously indicated, this matter had originally been dealt with by the Board and the decision to reject was that of the Board and not that of the Executive Director. In the course of various telephone conversations with members of my staff, the Executive Director was very precise on the point that the Board had made a decision and was not prepared to change that decision. In accordance with the Regulations, the only appeal available to the complainant was to that same board, which had already clearly indicated its intent not to reconsider its decision. The Ombudsman felt that it was unreasonable to expect the complainant to resort to an appeal to a board that had already indicated a fixed position; and whereas the time period (seven days) for the exercise of that right of appeal had long since expired, the Ombudsman felt his investigation of the complaint and his recommendation to be in order.

It became very clear that this case, from a procedural point of view, had been improperly handled from the very beginning. The Executive Director had not made the decision rejecting the application for a certificate and hence the applicant had not been informed of a right of appeal to the Board. Obviously, Legal Aid Manitoba places importance on the applications it receives for Supreme Court appeals and in an effort to provide a proper and consistent procedure for considering such applications, the practice was established whereby three lawyer members of the Board would provide the Executive Director with legal opinions as to the merits of such applications. In this case, the Executive Director was provided with such opinions but then the *Board*, not the Executive Director, acted on the opinions and made the decision. Such delegation of the authority of the Executive Director to the Board had effectively denied the complainant the opportunity for a fresh consideration of her case. Also, even if the Executive Director had made the decision, I would have still had some doubts about an appeal to the Board being a fresh consideration, primarily because of the involvement of three Board members in providing legal opinions.

In view of the fact that Legal Aid was rejecting our recommendation that new legal opinions be obtained, and also in view of the fact that they were proposing what we felt to be an inappropriate appeal, we then recommended that the Board request the Attorney-General (the Minister Responsible for Legal Aid Services) to appoint an independent appeal board comprised of a person or persons with no previous involvement in the case to hear the appeal and that this panel be empowered to obtain legal opinions, or any other relevant information deemed necessary to provide for a fair and appropriate assessment of this application for legal aid. The Board subsequently decided to refer the matter for legal opinion on the merits of the case to three members of The Manitoba Bar, Family Law Subsection, to be chosen by the chairman of that body. The Board further agreed to be bound by the decision of the majority of that panel. This approach was followed and the majority of the panel members felt that there was some likelihood of success and, as a result, a certificate was issued to the complainant to proceed with an appeal to the Supreme Court of Canada.

While this particular case was eventually satisfactorily resolved in that the merits of the case were reviewed and a Legal Aid Certificate granted, the situation did reveal what I felt to be a more general problem, namely the adequacy of the appeal procedure available under the Statute for persons who are denied legal aid services. The appeal procedure set out under The Legal Aid Services Society of Manitoba Act and Regulations essentially provides that an applicant for legal aid services or a solicitor may appeal to the Executive Director in respect of any decision of an area director, and to the Board in respect of any decision of the Executive Director. This appeal procedure appears to me to be more of an internal review than an external appeal, and as such has the inherent danger of being viewed as (if not actually being) subjective and partial rather than objective and impartial. The Ombudsman feels that it is very important, and particularly in the provision of Legal Aid Services, that justice not only be done but also appear to

be done. Consequently, I submitted a recommendation to the Attorney-General, as Minister Responsible for Legal Aid Services, that appropriate consideration be given to amending The Legal Aid Services Society of Manitoba Act to provide for a more effective and objective appeal process in cases where legal aid services are refused. The Attorney-General acknowledged receipt of my recommendation and indicated that this matter was being reviewed through the appropriate channels and that I would be informed when a decision was made. At the time of writing this report, this matter had not been finalized and I shall report the outcome of this matter in my next annual report.

83-140-81 Department of Community Services and Corrections

Inappropriate Treatment for Ailing Inmate

An inmate had formally complained to the then Commissioner of Corrections regarding treatment that he felt was inappropriate while he had been incarcerated at the Winnipeg Remand Centre. Following some correspondence with this inmate, the Commissioner suggested an independent review by the Ombudsman and the inmate agreed to this approach.

The inmate had complained that, while he was ill and experiencing severe discomfort, he had been placed in a segregation unit from approximately 1:30 p.m. to 9:00 p.m. The segregation area, also known as the "drunk tank", is comprised of small rooms with concrete floors and solid locked doors with covered windows which can be opened to observe the occupant. This area does not have washroom facilities but simply a hole located in the concrete floor.

The medical facilities at the Winnipeg Remand Centre are such that it is necessary that these segregation units also be utilized by medical staff as observation areas. We were, however, advised that an inmate placed in the segregation area for the purposes of observation is provided with a mattress in order that he be comfortable during the period of his observation.

In this case, the inmate reportedly had first experienced abdominal pain during a Court appearance in the morning. As time wore on, apparently this pain intensified. At approximately 12:00 p.m., the inmate was examined by a nurse on duty in the Remand Centre. The nurse indicated that she was not able to determine the source of his difficulty. He was returned to his cell. At approximately 1:00 o'clock, the inmate, who was in considerably more discomfort, wished to see the nurse again. He advised that he was unable to catch the attention of the guard and that the other inmates joined him in yelling for the guard.

Upon arrival of the guard, our complainant requested a wheelchair which was approved by the nurse. The wheelchair, however, would not fit through the door into the cell block. The inmate admitted that he was bad tempered, due to the pain he was experiencing. He left the cell and moved toward the medical unit unassisted. On his way to medical, there was a verbal exchange with one of the guards and inappropriate language was utilized by the inmate.

The inmate was examined in medical and the medical staff indicated that the inmate had been reasonably polite to them with his attitude being that of the average patient in pain. It was acknowledged that it was quite normal, when experiencing pain, for an individual to become agitated, frustrated, and somewhat difficult when the pain is not being relieved. The nurse, unable to pinpoint the cause of the inmate's discomfort, requested that he be seen by a physician. Following his examination in medical, the inmate was placed in the segregation area.

The question as to whether the inmate was placed in the segregation area for the purpose of observation was specifically addressed by our office. The medical staff indicated that they had not placed this inmate in segregation for observation. The inmate had not been provided with a mattress. We were satisfied, from our investigation, that the inmate was not placed in the segregation unit for the purpose of observation but, rather, as a form of punishment for the use of inappropriate language.

Following the attendance by the doctor, a specific diagnosis was made and medication was prescribed. The physician described for my Investigative Assistant the pain associated with the illness that he had diagnosed, stating that the pain "hurts like blazes". Subsequent to the prescription of medication, the inmate was removed from medical and once again placed in segregation. There was no indication that the physician had been aware that the inmate had been in the segregation area for approximately two hours, nor was there any indication he was aware that the inmate would be returned to the segregation area for a further five and one half hours following his removal from medical.

The inmate's lawyer had visited him during the afternoon and had raised some concerns with the Institutional staff. In addition, due to his concerns for his client's medical condition, he returned to the Centre at approximately 6:30 p.m. and found that the inmate was still in the segregation area. This individual once again made his concerns known and was advised, by the staff, that the inmate would be permitted to return to his cell at approximately 9:00 o'clock in the evening.

From our review of the situation, it appeared that the policy as to the length of time an inmate would spend in segregation as a punishment was not well defined. We felt that, while the officers could not be expected to diagnose illness, some discretion should have been exercised in a situation such as the one surrounding this particular inmate. Certain guards did indicate that it was their opinion that the inmate was suffering discomfort; others indicated that they had felt he was faking. Because of the doubt, his placement in segregation, up to the time of the physician's examination, may have been excusable. However, following the physician's diagnosis and prescription of medication, the inmate's placement in a segregation unit, on a concrete floor without adequate washroom facilities, was, we felt, inexcusable.

The Ombudsman was of the opinion that the continued confinement of the inmate in the segregation area was clearly wrong and unreasonable and, at the very least, the inmate was entitled to an apology in writing. In addition, it was recommended that the Ombudsman's view on the matter be made known to all staff at the Remand Centre who were involved in the incident and that the staff be urged to exercise greater discretion, care and tolerance in cases of discipline where illness is involved or suspected. It was also recommended that, as it appeared that there was an absence of policy concerning the length of time an inmate was to spend in segregation for a given offence and under what conditions or, if such a policy did exist, that it may not have been well-defined or understood; that the matter be clarified and set forth in writing and properly communicated to all staff.

All of our recommendations were accepted by the Department. We understand that, at the present time, a review of the standing orders and procedures manual is taking place.

83-140-104 Department of Community Services and Corrections

Dispensation of Medication

We had received a complaint from an inmate of the Headingley Correctional Institution relating to his inability to obtain a Temporary Absence Pass and a Christmas Leave. In the course of investigating his complaint, it was determined that, due to the nature of his offences which were sexually related and in accordance with the directives from the Office of the Commissioner of Corrections dated July 10, 1980, he would not be eligible for a Temporary Absence Pass on an unescorted basis. This particular period of incarceration was the second time that this inmate had been incarcerated for offences of a sexual nature.

It was noted, while reviewing the inmate's file at the Institution, that the Trial Judge had, following sentencing, directed a letter to the Institution enclosing a copy of a psychiatric report which had been tendered at the trial. The Trial Judge expressed his concerns and stated:

> *". . . I would ask that you take note of this information and I would urge you to consider an appropriate program of treatment, so as to mitigate the possibility of re-involvement upon his release."*

The psychiatric report, prepared by a private psychiatrist, indicated that the inmate had been diagnosed as being a manic-depressive. In addition, the report provided considerable background information on the individual and the effects of this condition on him. As a result of the concerns expressed by the Trial Judge, a copy of the psychiatric report was provided to the medical unit at the Headingley Correctional Institution for their information.

The psychiatrist assigned to the Institution, during an interview with my Investigative Assistant, indicated that he was in agreement with the private psychiatrist's diagnosis and, further, that the inmate had been placed on a program of medication utilizing a drug known as Lithium. The inmate was to receive three dosages per day.

We were able to determine that the system utilized for administering medication at the Institution is that, in all cases other than where inmates are specifically located on the medical ward, medication is forwarded either to the Annex or the cell block of the inmate involved. It is then the inmate's responsibility to attend and request his medication. Only those inmates who are on the medical ward have their medication taken to them to ensure that it is, in fact, ingested.

It had been stated, in the private psychiatrist's report and confirmed by the Institutional psychiatrist, that an individual with a manic-depressive disorder requires medication to prevent the mood swings associated with such a disorder. It was determined that our complainant had not been taking his medication regularly. In fact, my Investigative Assistant was advised that one six-day supply, consisting of eighteen doses, was forwarded to the Annex where the inmate was incarcerated. When the medication was returned to the medical unit, it was determined that the inmate had missed seven doses during a six-day period.

The reasoning given to support the method of medication distribution was that the inmate should develop a sense of responsibility about his medication. We felt that, while this is perhaps valid in the vast majority of cases, it may be that with an individual such as this inmate, due to the nature of his illness, the development of such responsibility should not have been left entirely up to the inmate.

Due to the mood swings associated with his illness and due to the need to stabilize these variations, it would seem desirable to instill the habit of taking medication at the regularly prescribed intervals. This would perhaps have required a different approach than the normal practice of leaving it up to the inmate to present himself at the required times for medication.

We were advised that it would have been possible to have had the inmate directed to appear at the medical unit in the main building three times per day to receive his medication. This approach, or some similar arrangement, we feel should have been utilized, particularly in light of the documentation supplied and the concerns raised by the Trial Judge.

It was felt that this entire question of dispensation of medication was one that should be addressed to determine if a more workable solution could be established to ensure that individuals, such as this inmate, receive their medication regularly. Our complainant was released just prior to the completion of our investigation and therefore any opportunity, on that occasion, for the Institution to assist this inmate in establishing regularity in taking his medication had been lost.

A sad but almost predictable postscript to this case is that, subsequent to his release, this inmate was once again charged with offences of a sexual nature and has been reincarcerated in the Headingley Correctional Institution on remand status.

83-220-4
83-220-5
83-220-6

Department of Environment and Workplace Safety and Health

Difficulties Due to Leakage of Gasoline

We received three letters of complaint from residents of a rural Manitoba town whose properties had been affected by the leakage of gasoline from an underground storage tank located on the property of a service station in the town. While each of the complainants had specific concerns regarding their individual properties, general concerns were also expressed relating to the restoration of the properties, as well as the cleaning and restoration of the environment.

From our initial review of the correspondence, it did appear that compensation for the perceived losses resulting from this incident might essentially be a private legal matter between the property owners and the gas company. Nevertheless, because of the environmental question, information was requested from the Department of Environment and Workplace Safety and Health for clarification on their role in this matter. In addition, we were interested as to whether or not the Department had any authority to issue any orders respecting compensation for losses in property value, suffering or inconvenience that might result from such situations.

We were supplied with a report detailing the involvement of the staff of the Environmental Management Division in the recovery of product from the gasoline leak. It was also explained that The Clean Environment Act provides authority, in any emergency situation, for the Minister responsible to take steps that are necessary to abate a discharge and subsequently clean and restore the environment to a condition satisfactory to the Minister. In this particular case, Ministerial action was not necessary as the company agreed to take all necessary steps to clean and restore the environment as required under the Manitoba Regulations. This restoration would include the private properties affected and the Department had also been informed that the physical alterations to the properties would be restored to the satisfaction of the property owners. If the company responsible did not take appropriate action in restoring the properties to the satisfaction of the Department, then further action could be taken as provided for under The Clean Environment Act. It was pointed out that full restoration of the private properties would not take place until the recovery wells had been removed and, at the time of our inquiry, the Department could not definitely state when this might take place. However, the Department also indicated that the restoration would only address the physical aspects and would not address worry, anxiety, insecurity of the property owners, nor any perceived loss in property value.

The well-documented report received from the Department also indicated that they had worked quickly and efficiently in an effort to clean up the area. They had also met with company officials to explain their responsibilities and review clean-up procedures.

Each of our complainants was contacted and advised of the information we had received. All were senior citizens and very concerned over the disruption in their lives as a result of this incident. The role of both the Department and our office in this matter was explained to them. While we were unable to be of any further assistance to them, they were appreciative of the clarification provided and the information given as to what further recourse might be available to them.

These files were concluded "Information Supplied".

83-270-62 Department of Health Dissatisfied with Home Orderly Service

My office received complaints from two disabled citizens regarding a privately-operated orderly service from which the government purchases, for the community at large, personal care services for the aged and disabled.

Considerable documentation was provided by the two complainants, detailing their concerns about the quality and delivery of this service. They reported that they had made repeated complaints to the government department responsible for the provision of the service, namely the Department of Health; however, they felt that no significant changes or improvements had resulted.

Essentially, the main concerns and allegations which were presented related to the following issues:

- Lack of adequate training and/or supervision of orderlies,
- Lack of identification of orderlies,
- Uniforms,
- Scheduling and recording of calls,
- Inadequate backup services,
- Billing,
- Lack of action by the Provincial Government in monitoring or improving the service.

At this point, I might emphasize that the function of my office is to investigate complaints against Provincial Government departments and agencies. Accordingly, the intent of our review was not to investigate the orderly service directly; rather, the complaints were examined in light of the government's role and responsibility in this matter.

In addition to discussions and meetings held with representatives of the Department of Health, our review encompassed a study of: the Management Audit Report on the service which had been the result of a study done in the latter part of 1982 by the Management and Analytical Services Branch of the Department; a statement on personnel practices and services filed by the company with the Department in January, 1983; a copy of the company's training manual; and a report with respect to the specific service failure complaints reported.

In their letters of complaint and in various conversations with my Investigative Assistant, the complainants presented many specific incidents of what they felt to be inadequate or inappropriate service. While, in our review, we did obtain information relating to these specific incidents, we did not, in our report to the government and to our complainants, identify and address each of these individual complaints. Our approach was to review the concerns presented in a global sense, addressing each of the seven major issues outlined above.

During the course of our investigation, we were advised by the Department that some immediate steps had been taken to institute an improved backup system as of September 30, 1983. In addition, we obtained information that the Department had recently received a Cabinet directive to tender the service on a one-year contract basis and that any contract engaged in would stipulate certain requirements.

In December of 1983, I submitted a report to the Department of Health on the results of our investigation. Our opinion was that there were some problems within this system of service delivery. This is not necessarily to say that the Office of Continuing Care had not continued in its efforts to improve the quality and delivery of the service when complaints were received. It was also acknowledged that, by virtue of the very nature of the service, complicating circumstances could arise. It also appeared that, while the Department did follow up on complaints, there were some limitations seen due to the fact that they had no direct control over this company. Nevertheless, I was of the firm opinion that a mechanism should be in place to monitor and review this service on an on-going basis, whether such a service be provided by private enterprise or directly through the government. From our review, we were unable to conclude that such monitoring had been done on a regular or consistent basis.

My position is that the government, when purchasing a service such as this, must be accountable for establishing the quality and level of service to be provided. If the recipients of the service are not receiving the level and quality of service expected by the government and for which the government is paying, positive action should be taken to bring the service up to standard, whether this be done directly or on a contract basis. Certainly, through the process of tendering, more control of this service could be established. However, in the interim, the fact still remained that problems were identified and some changes were required to improve the quality of service.

Therefore, notwithstanding the intention to tender, I submitted the following recommendations to the Department:

1. The Department determine an acceptable level of training required by orderlies to perform their function and evaluate the training program to ensure that this level of training is being provided.
2. The Department make it mandatory that orderlies carry proper identification at all times, to be produced on request. The recipient should perhaps be advised that they do not have to accept service from anyone who cannot produce the required identification.

3. The Department develop a policy regarding standardization of dress for orderlies.
4. The Department determine what is an acceptable level of emergency backup service and monitor the service to determine that it is sufficient to meet the needs.
5. A system be established to assess and review, on a regular basis, the quality of service being delivered.

I might also note that, in the body of our report, we also suggested that an important part of an evaluation process should include input from the consumers of the service.

We subsequently received a response from the Deputy Minister of Health outlining the Department's position, and proposed action, on these issues. I am happy to report that the Department took a very positive approach with respect to the points raised in our report and, in particular, with respect to the recommendations which had been made. The Department committed itself to improve the situation and I was pleased with the approach being taken.

At that time, the Department was in the process of developing and finalizing the specifications for a tender. We were also advised that it was the intention of the Minister to invite a representative from each of the three major organizations of the disabled to review these specifications before they were finalized.

In our report back to the complainants, we recognized that, until the tendering process was completed, adequate standards of service and care still needed to be met. We suggested to them that, in the interim, if problems arose that could not be worked out directly with the company, these complaints should be referred to the Department for follow-up.

I have since received and reviewed a copy of the Request for Proposal for Orderly Services. This proposal also included the service specifications. I was also informed that the service specifications were reviewed with representatives of the organizations of the disabled who had wished to participate in this. At the time of bringing our file to a conclusion, the requests for proposals had been mailed to potential bidders.

I felt that the Department had done a commendable job in its review of this matter. I trust that the current approach being taken by the government will be successful in resolving many of the concerns which have been expressed with respect to the quality and delivery of this service to the elderly and disabled population of Manitoba. Both the givers and receivers of such a service must communicate effectively in order to ensure an efficient delivery of a quality service.

83-280-26 Department of Highways and Transportation

Senior Citizen Disputes the Need for a Driver's Licence Retest

An elderly gentleman wrote to our office with a complaint against the Motor Vehicle Branch, Department of Highways and Transportation. He stated that he had been driving for 43 years and had recently been ordered to take a driver retest, which he was in the process of doing around the time he wrote to my office. The problem was, however, that he had requested to see his file at the Motor Vehicle Branch, having been advised that the request for a driver re-examination had been precipitated by a report from a police department. However, our complainant was not allowed to see the police report filed in this regard.

During the course of our review of this matter, we examined the file at the Motor Vehicle Branch and the police report contained therein. We noted that very little information or detail had been supplied by the police as to the reason for the need of a retest. It was my opinion that more information should have been provided by the police to the Motor Vehicle Branch in order to give the Registrar sufficient grounds to request that the complainant be retested. Furthermore, I felt that the complainant had the right to know what kind of information had been submitted by the police causing a decision to be made that he be retested; and, it was also my opinion that the section of The Highway Traffic Act, which places some limitations with respect to the furnishing of information, did not necessarily apply in this particular case.

The Highway Traffic Act does empower the Registrar of Motor Vehicles to require a person to take further driving examinations if it is determined that such is required. The safety of all road users must be of paramount concern to the Registrar. Nevertheless, I am strongly of the opinion that, when this power is exercised, the individual involved should receive as much information as possible concerning the reason that he/she is being required to take a retest. I also feel that this could be achieved within the bounds of confidentiality, which certainly must also be respected.

I suggested to the Motor Vehicle Branch that, while police reports may be considered a bona fide basis on which to request a retest, it should be an expectation and a requirement to have sufficient detail accompany a report from any police department or reporting agency where a recommendation is being made to have a driver re-examined. Such detail was sadly lacking in the case of our complainant, where the police report simply stated that concerned citizens requested the retest, and there was no indication whatsoever as to what the concerns were that had been expressed to the police by these

citizens. I recommended that complete details be obtained by the Motor Vehicle Branch with respect to the particular complaints which had been received by the police, and that our complainant be supplied with that information, without necessarily divulging the names of the concerned citizens if such were felt to be inappropriate. We felt that the complainant at least had the right to know the nature of the complaints made against him. Indeed it would have been appropriate, in the first instance, for the police to have contacted the complainant and discussed this matter with him before reporting to the Motor Vehicle Branch. In that way, the complainant would have been informed of the citizens' concerns and would have had the opportunity to present his side of the story which the police, in their report, could have forwarded along with the concerns of the citizens involved. In any event, such appeared not to have been done and since, at the time we were contacted, the Motor Vehicle Branch had already acted on the police report, we felt at this point it was more incumbent upon the Branch, than the police, to provide clarification to the complainant.

I was subsequently advised, by the Motor Vehicle Branch, that the information supplied by the police had been confirmed. This confirmation had been done by way of a telephone conversation with the police officer involved. I was told that this telephone inquiry confirmed that there was a genuine concern for the safety of other road users because of our complainant's reported actions. At that point, I was given no indication of what those actions were, although clarification was provided in a subsequent meeting with the Deputy Registrar of Motor Vehicles. In addition, I was pleased to note that, as a result of my suggestion that further information be obtained in the future from police in support of their reports, consideration was being given to amending the requirements in this regard. The Registrar also indicated that, as the complainant had been required to take a re-examination in accordance with the provisions under The Highway Traffic Act, no further inquiries into the matter were warranted. We had further communication with the Motor Vehicle Branch on this matter. However, the Department maintained its position that the complainant himself should obtain any further details on this matter directly from the police department involved.

I might stress that, in our review of this matter, I at no time felt there had not been sufficient justification to have our complainant retested. In fact, it became clear that, although the police report brought this driver to the attention of the Registrar, other factors on the individual's driving record contributed to the Registrar's decision for a retest. Because of that plus the fact, as mentioned earlier, that the Registrar is empowered by law to require a person to take further driving examinations if required, the Department's decision in this regard could not be considered clearly wrong or unreasonable. However, the fundamental issue related to the right of the individual to know on what basis, and for what reasons, the retest was required.

As our complainant's practical problem had been resolved through the issuance of a conditional licence, we reported back to him on this matter. He was advised of the Motor Vehicle Branch's position and it was suggested that, if he required further clarification, he should again contact them. The Department was also informed of my expectation that, in such an event, he should be provided with more sufficient information than he had been previously.

Our file on this case was concluded as "Partially Resolved".

83-290-17 Department of Housing Senior Citizen Having Difficulty Obtaining Appropriate Accommodation

In March of 1983, a letter was received from a resident concerning a problem with the Manitoba Housing and Renewal Corporation. She indicated in her letter that she was a disabled senior citizen who was currently living in a two-bedroom apartment. She was experiencing difficulties with what she reported to be noisy tenants living above her and had put in an application for a one-bedroom senior citizen's unit. Her complaint centered on the fact that she reported she had only been offered a bachelor suite. She stated that she required a larger apartment due to the special equipment which was required as a result of her disability.

I obtained a report from the Manitoba Housing and Renewal Corporation on this matter. I was advised that our complainant only wanted to live in a particular area of her city and that the senior citizens' residences in the immediate area, which were wheelchair accessible, only had the bachelor units. I was also advised that there were two blocks in a different area of her city which did have suitable one-bedroom units however our complainant did not want to live in either of these projects. It was therefore felt by the Corporation that the local Housing Authority had made every reasonable effort to accommodate her.

My Investigative Assistant contacted our complainant directly to discuss the report we had received. She advised my Investigative Assistant that no one had talked to her about a one-bedroom suite and that she would consider moving to a block in a different area. While she was not familiar with the other addresses which were given, she indicated that she would be very interested in seeing the apartments. As a result of this information, we again contacted the Manitoba Housing and Renewal Corporation. Following this, the Corporation made arrangements for a representative to meet with officials of the local Housing Authority on this matter.

It was discovered that our complainant had not been offered the one-bedroom units as previously reported. It seemed that the problem stemmed from a misunderstanding with respect to the preferred areas. However, arrangements were made to accommodate our complainant in a wheelchair unit when one became available. We were subsequently advised that arrangements had been made for her to move into a new unit at the end of June, 1983. Our complainant was very happy with these results.

Although there had been some misunderstanding between the Housing Authority and our complainant on this matter, I believe that the Corporation acted responsibly and appropriately in resolving this issue.

82-390-18
83-290-47
83-290-68

Department of Housing

Rent Increase and Equalization

Complaints were received from three tenants of a Winnipeg apartment building relating to a matter which had received extensive press coverage. These individuals complained of a decision of the Appeals Panel of the Rent Regulation Bureau to implement equalization with respect to the rental amounts to be paid for the various types of apartments in the building. The net result of this decision was that the increases to certain tenants far exceeded the allowable percentage rental increase for the calendar year. In addition, concerns were expressed regarding the conduct of the Appeal hearing.

As is the procedure, the matter had originally been dealt with by a Rent Regulation Officer who had made a recommendation with respect to the rental increases. The tenants, aware that they could appeal the decision of the Rent Regulation Officer, felt that the rent was reasonable and chose not to appeal but, rather, to accept the increase. An appeal was filed by the landlord and, as a result, all apartments in the building were included in the appeal process.

In the course of our investigation, we reviewed the material provided by the complainants; reviewed the appropriate legislation; conducted interviews with the Co-ordinator of Appeals, one of the complainants and, in addition, we chose, at random, three individuals who had signed the hearing register indicating their presence at the hearing. Two of the three parties chosen at random were also tenants of the building.

With respect to the actual conduct of the Appeal hearing, all parties interviewed indicated that there did appear to be some difficulty by tenants seated at the rear of the room in hearing all of the comments of the parties seated at the table in front of the Panel. There did not appear to be any difficulty in adequately hearing the comments of the Panel itself. We were advised that, at the time of the hearing, a P.A. system was on order and subsequent to the hearing was actually installed to alleviate any further difficulties of this nature.

The applicable legislation to this matter is The Residential Rent Regulation Act and, in particular, Section 27(2). This Section permits a Rent Regulation Officer or Appeals Panel, where an objection is filed by either the landlord or a tenant, to include any or all of the other residential premises in the same building or in the same complex of buildings. Pursuant to this Section, the Appeals Panel reviewed the rental amounts of all apartments in the building.

Section 22(c) provides that the Panel or Rent Review Officer may recommend that the rent payable for any or all of the residential premises in the building be equalized – that is to say, that the rent payable for similar residential premises in the building shall be equal. A hearing was held and we determined that, at the hearing, many of the tenants present raised the issue of the lack of uniformity of the rents for similar premises in the building. It appears that there was some confusion as to whether equalization was requested by the landlord, the tenants, or suggested by the Panel itself. In any event, under the Sections of the Act previously referred to, the Panel had the authority to equalize rent.

In order to determine the rental amounts which would apply to each of the type of suites in the building, such as bachelor, one-bedroom and two-bedroom, the actual rental revenue for the previous year for each type of suite was determined. This amount was then divided by the total number of suites of each category. To the resulting figure, the 9% allowable increase for that calendar year was applied, plus a differential of $1.00 per floor. The result of these calculations and the decision by the Appeals Panel was that all suites of each category rented for identical amounts, subject only to the differential of $1.00 per floor.

The effect of equalization on the individual tenants was that many tenants did, indeed, pay a rental amount much higher than originally contemplated based on the decision of the Rent Regulation Officer. However, many other tenants found their rents reduced or unchanged.

It was our opinion that, based on the applicable legislation, the Appeals Panel had the legislative authority to include all of the apartments in the building for the purpose of the appeals process, and to impose equalization, and therefore the Ombudsman did not make a recommendation on behalf of the tenants.

83-290-25 Department of Housing
Inappropriate Mediation of Landlord/ Tenant Dispute

At the end of April, 1983, we received a complaint from a tenant regarding the manner in which the Office of the Rentalsman was handling her landlord/ tenant dispute. She submitted extensive documentation detailing her problems with her landlord and her contacts with the Rentalsman's Office on this matter. She indicated that she had contacted the Rentalsman's Office in the early part of December, 1982, as a result of difficulties she was experiencing in having repairs made to her rented premises by her landlord. She also provided us with a copy of a Formal Application for Repairs dated December 10, 1982.

Our complainant reported that she had been in frequent contact with the Rentalsman's Office during the month of December concerning the repairs required to her apartment, particularly in relation to the urgency of repairs she felt were needed to the toilet. She informed us that she was advised that nothing could be done by that office until her Application for Repairs had been formally processed. She did not feel that the repairs to the toilet could wait, due to the fact that the ceiling below the bathroom was apparently beginning to cave in. Reportedly, the complainant was told that she must make every effort to contact the landlord before she called in a plumber herself. Our complainant reports that she did so and, just prior to Christmas, she called in a plumber to effect the repairs. Apparently the plumber had to attend on two occasions before the problem was solved.

In early January, the tenant sent a registered letter to her landlord, with a copy to the Rentalsman's Office. This letter advised the landlord of her concerns and the fact that the toilet had been repaired. She also indicated in this letter that she felt it best to leave the Rentalsman to monitor the situation.

Our complainant reported that she subsequently received an unpleasant visit from her landlord, following which she changed the locks on her door. She then attended at the Office of the Rentalsman to discuss her concerns. She indicated that, until this visit at the end of January, 1983, she still had not received any communication from the Office of the Rentalsman.

Under date of February 16, 1983, a letter was sent from the Rentalsman's Office to the landlord requesting that he effect the necessary repairs on or before March 15, 1983. When the repairs were not completed as requested, the tenant reports that she was contacted by the Rentalsman's Office and it was suggested that she contact the landlord to work things out. The tenant did not feel that this was a satisfactory resolution to her problem.

Under date of May 6, 1983, we advised the Rentalsman's Office of the complaint we had received. We received a response to that letter, under date of May 17, 1983. In that letter, we were advised that the tenant had admitted that she withheld rent from her landlord improperly and arbitrarily. It went on to say that the amount of monies withheld should be paid over to the landlord, as the tenant was responsible for the object lodged in the toilet bowl. We were also advised that the tenant had improperly changed locking devices on a door, giving entry to the premises, in contravention of The Landlord and Tenant Act. We were further informed that, should the landlord request, that office would be obliged to enter prosecution against the tenant for that offence. We were also advised that the Office of the Rentalsman would not proceed further with this request for repairs until the tenant had complied with her obligations of tenancy and corrected the offences outlined.

I did not feel that we had received sufficient information in the written response received from the Rentalsman to enable us to respond to our complainant. I therefore instructed my Investigative Assistant to make arrangements to review the file at the Rentalsman's Office. I also discussed this with the Rentalsman who had some concerns about the necessity of us reviewing the file. During this telephone conversation, he indicated that he was intending to submit this file to his solicitor for prosecution against the tenant for contravention of The Landlord and Tenant Act and, after that, our office could have access to the file. At the time the prosecution was mentioned, I did find it quite strange that the Rentalsman was considering initiating prosecution for contravention of The Landlord and Tenant Act.

Shortly after this, I received a letter from the Rentalsman with a copy of a letter he had written to the tenant. The Rentalsman had sent correspondence to the tenant that she was in contravention of The Landlord and Tenant Act and that the Rentalsman was obliged to refer this contravention of Statute to the Crown Attorney, requesting that prosecution be entered against her for that offence. She was also invited to attend at the Office of the Rentalsman if she wished to enter statement with reference to this offence.

We continued to proceed with our investigation of this matter and reviewed the file held at the Rentalsman's Office. The tenant also provided a written response to the Office of the Rentalsman in reply to the notice of prosecution.

In subsequent discussions with the tenant, she had indicated that she felt that the Office of the Rentalsman was very angry at her for contacting our office as at no other time had the office discussed prosecution against her, despite the fact that she first informed them of her actions in January, 1983. A review of the file at the Rentalsman's Office showed that her visit to their office had been recorded. The notes also indicated that the tenant had changed the locks on her door and had intended to subtract the cost of repairs to her toilet from her February rent. Nevertheless, in February the Rentalsman's Office had proceeded to contact the landlord to request that he effect the necessary repairs. This action was therefore taken at a point in time when the Rentalsman's Office was aware that (a) the tenant had intended to withhold money from her February rent, and (b) she had changed the locks on her door. It appeared that it was only after our office became involved that the matter of prosecution became an issue.

I should clarify that, in reviewing this matter, our office was not concerned so much with the landlord and tenant dispute per se, but with the matter of how the Rentalsman's Office had responded to the complainant. It is not, and never has been, my intent to play the role of Rentalsman or any other head of an office or Department. However, I do have an obligation to respond to the concerns that are raised by members of the public with respect to how they are being treated by any Provinciai Government department or agency.

In early July, 1983, the Office of the Rentalsman sent the tenant another letter with respect to the possibility of prosecution. A letter, under the same date, was also sent to the landlord advising him that the tenant's offence is subject to prosecution. He was also advised that, should the Rentalsman proceed to that drastic action, he as landlord would be required to provide statement to the Rentalsman confirming the offence. He was also advised that he would be required to appear as a Crown witness in any trial. It was requested that the landlord advise, within seven days of the date, if he was prepared to enter statement and to appear in trial. If he did not do so, the file would then be closed. We were subsequently advised, in September, 1983, that the file had been closed.

In summarizing this whole situation, I must report that it gave rise to very serious concerns about how this matter had been handled by the Office of the Rentalsman. My opinion was that, at the outset, there was very little effort or action on the part of the Rentalsman's Office to attempt to mediate this landlord and tenant dispute. In addition, the Office of the Rentalsman had stated that the tenant was responsible for the repairs needed to the toilet. However, there was no indication on file as to how this allocation of responsibility was determined. As well, I could only conclude that the action of prosecution had been initiated as a direct result of the tenant contacting our office to express her concerns. I aso felt that these actions might well be interpreted as threatening and retaliatory actions against the tenant. In a report submitted to the Office of the Rentalsman, I expressed my views and suggested that they give very serious consideration to improving the quality of their response to members of the public approaching their office in the future seeking assistance with problems similar to those of our complainant.

The Rentalsman responded to our report and, in his response, indicated that the tenant appeared to be demanding that his office carry out its duties to the full extent. The Rentalsman's opinion was that action required that the landlord's rights be first enforced to bring the tenancy back in good order and the tenant's defaults corrected. Prosecution of the tenant, the Rentalsman claimed, was the means by which those rights of the landlord could be enforced. The Rentalsman stated that he offered this solution not as a threat, but as a proper process to carry out the demand of the tenant made through the Ombudsman.

The Rentalsman also reported that the tenant was entitled to have repairs made to her premises and he also outlined some options available to her in an effort to resolve this problem. These options were conveyed to our complainant.

From the response that I received from the Rentalsman, it is clear that there is a difference of opinion as to how this file was handled by their office. Nevertheless, I feel that my comments and conclusions on this matter were appropriate. I would submit that earlier intervention and action by that office may well have avoided the situation that occurred.

83-290-31 Department of Housing Concerns Over Handling of Landlord/Tenant Dispute

A complaint was received from the operator of a trailer park located in rural Manitoba relating to the manner in which the Office of the Rentalsman had handled a dispute involving former tenants of the trailer park. We were advised that the tenants had originally taken occupancy of a lot in the trailer park during 1977. The complainant related numerous problems that he had experienced during the term of the tenant's occupancy.

During the latter part of 1981, the complainant received written notice from the tenants indicating their intention to vacate the premises. The complainant, upon receipt of this notice, assumed that the trailer, located on the rented lot, would be removed as of the effective date of the notice. In accordance with the notice provided to the complainant, the tenants did, in fact, vacate; however, the trailer was not removed but was simply abandoned. The complainant took the position that, as the trailer had been abandoned, he would be assessing a storage charge until such time as the trailer was removed. Further communication at that time was not received from the tenants and regular statements were forwarded for storage fees. The landlord, at this point, could have considered that the tenants had abandoned the trailer and could have proceeded in accordance with the appropriate sections of The Landlord and Tenant Act to store and ultimately sell the trailer.

The landlord continued to forward regular statements for storage fees. It was our opinion that, by virtue of the termination of the Tenancy Agreement by the tenants, pursuant to the notice given, and the failure to remove the trailer from the lot in accordance with this notice, that the tenants could be considered to be over-holding tenants. In such an instance, a landlord is entitled to compensation for use and occupation of the premises after the termination of the tenancy as set out in The Landlord and Tenant Act. We believe that, in this instance, the landlord quite properly assessed a storage fee.

The payment by the tenants of the storage fees and/or arrears in rental charges does not operate to reinstate the tenancy as clearly set out in Section 107(2) of the Act which indicates that the acceptance by a landlord of arrears of rent or compensation for use and occupation of the premises after termination of the tenancy does not operate as a waiver of the notice or as the reinstatement of the tenancy or the creation of a new tenancy, unless the parties so agree. Section 107(3), provides that the burden of proving that the notice has been waived and that the tenancy has been reinstated, or a new tenancy created, is upon the person so claiming.

Early in 1982, without the knowledge or authority of the complainant, the tenants simply moved back into the trailer where they remained until June of 1982 and then, once again, abandoned the trailer.

During November of 1982, the complainant was contacted by a local bank branch advising that, as the bank had a conditional sales contract on the trailer and as the tenants had failed to meet its monthly obligations, the bank was repossessing the trailer and would be paying all of the back storage fees and would continue to pay the cost of the storage until such time as the bank could dispose of the trailer.

On January 2, 1983, the complainant was advised that the tenants had returned to the trailer on December 31, 1982. Immediately following receipt of this information, and on the same day, the complainant delivered to the tenants a notice to vacate. The following day, January 3, 1983, a telephone call was received from the Rentalsman, who demanded that the water be turned on in the trailer. A short time later, at the Rentalsman's direction, two R.C.M.P. Officers arrived to ensure that the water was turned on.

We questioned this approach as The Landlord and Tenant Act does not appear to provide the necessary authority to the Rentalsman to become involved in the issue of utility services other than as contemplated in Section 98(7) which provides that, where the landlord fails to fulfill his obligations regarding the provision of heat, water and electrical power, the tenant may pay the rent to the Rentalsman. Section 98(8) provides that the Rentalsman shall hold the rent until the landlord provides the services or, where necessary, pay to the vendor of such services the amount sufficient to ensure the supply.

On January 14, 1983, the Rentalsman and one of his Officers attended at the trailer park to assess the situation. During an interview with my Investigative Assistant, the complainant indicated that, following this meeting with the Rentalsman, he felt confident that he would receive assistance from the Rentalsman. Following this on site inspection, the operator of the trailer park was contacted for the purposes of arranging a mediation meeting. The complainant reported that he asked to be advised of the purpose of the meeting. He further stated that an explanation was not given.

On February 1, 1983, the complainant became aware, due to a call from another tenant in the trailer park, that a fluid was leaking from the trailer in question and had reached the point of creating a small pond surrounding the trailer. The complainant advised that he sought advice from the Rentalsman's Office that afternoon. He further indicated that the Rentalsman's Office did not have any advice to offer to him.

The standard lease form which had originally been entered into between the operator of the trailer park and the tenants had stipulated certain amenities which were to be provided as a part of the rental. One of the amenities was one septic pumpout per trailer per month. Each septic tank, located under each trailer, is capable of handling 50 gallons of effluent per day. The operator of the trailer park advised my Investigative Assistant that septic pumpout was actually carried out once in each three-week period. Due to the occupancy of the trailer, it had been necessary for the landlord to include this trailer in the regular pumpout. The landlord took the position that the overflow was the responsibility of the tenant as he was fully aware of the terms of septic pumpout in the trailer park.

The operator indicated that, in spite of contact with the Rentalsman's Office on several occasions during the period February 1, 1983 to February 7, 1983 inclusive, neither assistance nor advice was given regarding the effluent leakage. On February 5, 1983, it was found that due to the pool of effluent surrounding the trailer, sewage was seeping backwards under the capped-off sewer of the trailer on the adjoining lot. Ultimately, the operator resorted to contacting the municipal office and a health inspector then placed a notice on the trailer, indicating that the seepage of effluent must cease. The tenants then rectified the problem.

On February 8, 1983, the operator attended the mediation meeting at the Rentalsman's Office. At that meeting, the operator once again delivered to the tenants, by hand, a notice to vacate. It appeared that, at the mediation meeting, the issue as to the termination of the tenancy by the tenants, by written notice, was not addressed. Rather, the meeting followed the format of attempting to make arrangements to permit the tenants to remain in the trailer until the end of the school year. This was supported by a handwritten note on the file of the Rentalsman to the effect that an attempt was to be made to have the trailer stay on the lot until the end of the school year. It was our position that the sections of The Landlord and Tenant Act which address the issue of eviction during the school year would not have any application to this situation as the Tenancy Agreement had been voluntarily terminated by the tenants.

Following the mediation meeting, the Office of the Rentalsman notified both the operator of the trailer park and the tenants, by letter, that the attempt at mediation had failed. This letter, dated February 24, 1983, also advised that the landlord could attempt to resolve this dispute via the Courts.

Shortly after receipt of this advice, on a date unknown to the landlord, the tenants vacated, again abandoning the trailer. The situation was eventually resolved in that the bank provided the operator of the trailer park with a letter stating that they had repossessed the trailer. They requested that the operator place locks on the trailer and that any costs incurred would be borne by the bank. Ultimately, the bank sold the trailer and it was removed from the lot.

Our concern regarding the handling of this matter by the Rentalsman's Office stemmed primarily from what we viewed to be an insufficient investigation of the facts surrounding this matter and the lack of consideration of the original notice by the tenants to the operator of this trailer park indicating a termination of the tenancy. This second issue was not addressed by the Office of the Rentalsman and, at all times, the tenants and the operator of the trailer park were dealt with as if a Tenancy Agreement existed where, in fact, the Tenancy Agreement had been terminated.

Following the submission of our report on this matter to the Department, correspondence was received from the Rentalsman by way of response to our submission. In that correspondence, the allegation was made that the operator of the trailer park had been seeking to enforce eviction by turning off, or disconnecting, essential services to the mobile home. We found this statement to be totally incorrect as the services had been disconnected for some previous six-month period. This was not a step taken by the operator of the trailer park following the return of the tenants to the premises. In fact, the operator of the trailer park had not been aware, until January 2, 1983, that the tenants were, in fact, occupying the premises. The trailer had been sitting on the mobile home site in a storage arrangement from the latter part of October, 1981. The tenants had, on one previous occasion for a short period of time, reoccupied the premises during the summer months. This did not amount to a recreation of the tenancy and the only agreement that the landlord had entered into was one with the bank for the payment of storage charges in order that the bank could protect its interest in the trailer.

Of greater concern to us was the assertion, by the Rentalsman, that many of the events had taken place prior to the date on which the Rentalsman had become involved in this situation and, in addition, that certain happenings had taken place following the end of the Rentalsman's involvement. The Rentalsman stated that only those things which occurred during the time period when he was actively involved, being December 31, 1982 to February 8, 1983, inclusive, were germane to the mediation. This approach we seriously question.

In the majority of matters with which the Rentalsman becomes involved, the actions (of both the landlord and tenant) giving rise to the dispute, have occurred prior to his involvement. Such matters are certainly germane to the resolution of the dispute between the parties. It was our view that the investigation carried out by the Rentalsman in this case was entirely insufficient. The Rentalsman pointed out that the dispute was one of long standing. It was our view that because of this very fact any attempt to resolve this situation should have included a *complete* review of all matters preceding the reoccupancy of the trailer by the tenants. The fact that the original notice by the tenants preceded the involvement of the Rentalsman did not, in any way, negate the obligation of the Rentalsman to consider that notice in order to place the dispute in its proper perspective.

In addition, the Rentalsman stated that it was not the duty or the capability of the Rentalsman to make judgement; that a judge of the County Court was the arbiter final and the only person, at that time, capable of bringing down judgement to finally determine this dispute. While we agree that the ultimate arbiter is the County Court, on a day-to-day basis the administrator of The Landlord and Tenant Act is the Rentalsman. The Rentalsman must accept the sections of the Statute and apply those uniformly to each and every situation presented. While the facts from situation to situation may differ, the application of the Statute does not. Under the Statute, the Rentalsman has been given the powers of mediation. In order to mediate effectively, the Rentalsman must have regard to the sections of the Statute that he administers. It is not sufficient to absolve himself of any responsibility, as in this instance, by stating that as mediator it is not the duty or capability of the Rentalsman to make judgement.

In his response to our office on this case, the Rentalsman appeared to imply tha' the fact that the operator of the trailer park was advised, by the Rentalsman's Office, to seek the advice of counsel and obtain an order for possession was sufficient and that, if such advice had been followed, this matter would have been settled. This option is, of course, open to any landlord and advising a landlord of that option does not negate the responsibility of the Rentalsman to deal efficiently and effectively with the matter, when his office has been chosen as an alternative to court proceedings.

83-230-3 Federal Departments and Agencies

Alleged Harassment by R.C.M.P.

A summer resort owner and operator in a small town wrote to our office alleging that he was being harassed by the R.C.M.P. Apparently, a disturbance erupted at a dance held by our complainant and he called the R.C.M.P., who allegedly refused to attend the scene. Our complainant states that approximately one month later a member of the R.C.M.P. advised him that the R.C.M.P. would no longer be available for his protection. It is further alleged that our complainant was accused of being a trouble maker.

We wrote the complainant advising of our jurisdiction and pointing out that although the R.C.M.P. is under contract with the Province, it is a Federal Police Force and therefore outside the jurisdiction of the Ombudsman. The complainant was advised that we would be referring his complaint to the Department of the Attorney-General for review, as that Department had specific responsibilities with respect to the policing function of the R.C.M.P. in Manitoba.

The complaint was referred to the Deputy Attorney-General requesting that we be kept informed of the outcome of the review. Subsequently, our office received a copy of a letter to our complainant from the Department advising that an internal investigation was conducted by the R.C.M.P. The letter stated that the internal investigation revealed that certain comments made by the R.C.M.P. Officer concerning our complainant's dance hall and the enforcement policy by the R.C.M.P. were incorrect.

According to the letter, discussions had taken place between the Detachment Commander and our complainant to agree upon a course of action to be followed in the future with respect to policing of similar events. Our complainant was given some assurance that future problems should not occur. The matter was resolved.

This case illustrates that although the Ombudsman may not have jurisdiction to deal directly with all complaints, we try to establish a co-operative system of referral which may assist in resolving problems. We appreciate the co-operation received from both the R.C.M.P. and the Department of the Attorney-General with respect to any referrals from our office involving complaints against the R.C.M.P.

83-320-81 Manitoba Public Insurance Corporation

Concern Over Arbitration Procedures Followed by the Manitoba Public Insurance Corporation

Our office received a letter from a person who was dissatisfied with the offer made by the Corporation following an accident in which the vehicle was considered a total loss. Basically, our complainant felt that the vehicle was worth approximately $6,000.00, whereas the Corporation offered $5,000.00. The dispute proceeded to arbitration in accordance with the regulations under The Manitoba Public Insurance Corporation Act. Section 29(q) of Manitoba Regulation 333/74 reads:

"Settlement of dispute as to quantum or adequacy of repairs.

(q) Where there is disagreement as to the nature and extent of the repairs and the replacements required, or as to their adequacy, if affected, or as to the amount of insurance moneys payable in respect of any loss or damage, the question shall be determined by appraisers before recovery can be had under this Part; and in that event, there shall be a determination by appraisers, independent of all other questions, and whether or not coverage is admitted by the corporation under this Part."

The regulations provide that, where appraisers cannot agree, the matter can be referred to an independent umpire for final determination and the decision of the umpire is final and binding. Each party to the dispute is required to pay the appraiser nominated by him and the parties share equally the costs of the umpire and any other incidental costs.

Arbitration proved unsatisfactory to our complainant as an agreement could not be reached by the appraisers. Concerns were expressed in the letter we received over the procedures followed by the Corporation and its appointed appraiser. The complainant alleged that his appraiser proved, on paper, that his vehicle was worth at least $6,000.00, whereas the Corporation's appraiser felt that the vehicle was worth $5,000.00 but he did not provide any documentation to prove his determination of value. It was further alleged by the complainant that the determination by the Corporation's appraiser was based on an instruction from the Corporation that he not offer more than $5,000.00.

Apparently our complainant's appraiser contacted the Assistant Manager of the Autopac Claims Centre, requesting that the Corporation appoint a new appraiser. Reportedly, the Assistant Manager advised our complainant's appraiser that he was unable to grant the request and suggested that the matter be resolved by an umpire. Nevertheless, on the request of our complainant's appraiser, the Assistant Manager agreed to review all available information with the result that the offer was increased to $5,200.00 plus Provincial Sales Tax.

This was still not satisfactory to our complainant but he decided to accept the offer. The accident occurred on September 16, 1983 and the complainant wrote to our office on November 22, 1983, stating:

> *"After this length of time I can not wait any longer, I must settle, they finally got me, I need the money to buy another car and I cannot afford more money for an umpire and wait for that set of negotiations to conclude."*

The complainant, however, requested that we check into the procedure used by Autopac in dealing with his claim. In addition, our complainant expressed concern over the fact that, while a claim is in dispute, the Corporation holds all money owing to an insured. Our complainant felt that, if the Corporation paid the claimant the bulk of the money owing and settled the claim later on the amount in dispute, the money could be used for a replacement vehicle. The complainant stated:

> *"... as it is now Autopac keeps the money and uses these subtle pressures to force a settlement at their price."*

Our office wrote the Corporation, requesting information on this particular case. In addition, we expressed some general concerns with the arbitration process which were based on previous complaints and on our past experience of the process.

We noted that the regulations referred to a determination being made by appraisers. Although it is not specifically stated, one would assume that the intention of the regulations is to provide for the appointment of a person qualified to appraise. Otherwise the regulations would not have to refer to an appraiser but, rather, to the appointment of a person to act on behalf of each party.

It would appear that a party to the dispute can simply appoint any person, whether the person is considered to be a qualified appraiser or not, and the person appointed is to determine the nature and extent of repairs and the replacements required, or determine the actual cash value of the vehicle in the case of a total loss situation.

Although the regulations provide basic procedures on the appointment of the appraisers and the umpire, there is no direction provided to the parties relating to the factors to be considered when determining the nature and extent of repairs required or the actual cash value of the vehicle. While this may not be necessary when you have qualified appraisers who have taken formal training in the fundamental principles of appraisal, appraisers appointed under the Autopac regulations may not have the necessary knowledge of the methods and procedures to follow in arriving at a determination.

Perhaps the Corporation should restrict the appointments to qualified appraisers. Another alternative could be to establish an independent appeal board where an insured, who is dissatisfied with an offer, could pay a nominal fee to have the matter reviewed and determined by qualified people. Short of this, it would seem reasonable to provide appraisers with terms of reference which, for example, might state that appraisers, when considering the actual cash value of a vehicle, should take into consideration such relevant matters as the Sanford Evans Gold Book of Used Car Prices, newspaper advertisements, car lot sales, condition of the vehicle prior to the accident, recent repairs which may or may not add to the value, etc. Both appraisers should be prepared to consider all relevant matters in arriving at a fair cash value determination. Without terms of reference, a claimant's appraiser may be taking into consideration irrelevant factors such as the original price paid for the vehicle, the sentimental value, etc. The Corporation's appraiser may also consider irrelevant factors or may fail to consider factors that add to the value of the vehicle.

The regulations provide for the referral of a dispute to an umpire if the appraisers cannot agree on a settlement. Our office had received a previous complaint concerning the procedures followed by an umpire. The complainant, in that case, was concerned with the lack of information given in the regulations for the umpire to follow as a guideline. It was alleged that the umpire did not know what course of action to take, thereby escalating the cost of the arbitration. In addition, the complainant apparently did not know what factors would be considered by the umpire and it was alleged that the umpire was arbitrarily taking into consideration irrelevant and factually incorrect information. Our complainant expressed concern that the decision, which is final and binding, could be made without the parties to the dispute being given an opportunity to examine and rebut any adverse evidence.

Our office, on that occasion, wrote to the Corporation and we were advised as follows.

> *"There is no formalized procedure to be followed by an umpire in the arbitration process. The umpire is free to use his own discretion as to what alternatives he may wish to consider to assist him in arriving at a fair and proper judgment. The arbitrators representing the two parties in the dispute will have the opportunity to make representation to the umpire, and it would be the umpire's decision as to whether or not he may wish to meet with the arbitrators separately or at the same time, or to allow one party in the dispute to challenge evidence presented by the other party.*
>
> *Normally the umpire will receive a majority of, if not all of the information he requires from the two arbitrators, however, at his own discretion he may wish to seek further information from other qualified sources to assist him in making a proper decision."*

Our experience shows that many other quasi-judicial boards, commissions and appeal panels can determine their own procedure. Many of these bodies have, in fact, developed terms of reference and procedures to ensure consistency and equitable treatment. With unqualified people appointed as appraisers and with no terms of reference, it would appear that there is no assurance of consistency or equity in Autopac's arbitration process.

The lack of direction to unqualified appraisers can result in arbitrary considerations entering the negotiations. The dispute can become bogged down with each party weighing different factors, some of which may be irrelevant for the intended purpose of the arbitration, that being, I would think, to bring about a fair and equitable settlement of disputes. Unless negotiations are based on established terms of reference known to both parties, it would seem that the arbitration would be "won" by the most persistent and unyielding with no assurance that a fair cash value was reached based on relevant considerations.

As far as the proceedings before the umpire are concerned, we feel that fair procedure requires that a person affected have an adequate opportunity to make representations before a decision is made. In addition, opposing evidence which is being considered by the umpire should be disclosed and the person should have a right to rebut adverse evidence and correct or contradict prejudicial statements. At the present time, an umpire is free to use his discretion as to what are relevant considerations and to decide whether or not he will disclose adverse information and allow rebuttal. This would appear to allow for arbitrary decisions on procedures, thus creating inequity in the process.

It is important to note that there are no particular qualifications required by an umpire. A person appointed as an umpire may not be familiar with the principles of natural justice, may not be qualified to determine the nature and extent of repairs, or may not be familiar with considerations which form the basis for determining the actual cash value of a vehicle. This same person has the power to make decisions which are final and binding on the parties. It would seem reasonable to provide terms of reference which would act as a guideline for the umpire to follow. With terms of reference, there would be more reason to expect procedural fairness, consistency and equity in the arbitration process.

In the recent case of our complainant who was dissatisfied with the Corporation's offer, we indicated to the Corporation that this complainant's concerns over advance payments while a settlement is in dispute, appeared to have merit. A claimant who is without a vehicle and who has already received an offer which would at least enable the person to purchase another vehicle, may be somewhat pressured into accepting the settlement that may only be a few hundred dollars less than what the person feels is fair.

There does not appear to be any provision in the regulations, nor is there any direction provided to the appraisers or the umpire which would limit the time by which a settlement can be reached. It would appear that the longer an arbitration takes, the greater the pressure on the insured to settle. The same pressure is not placed on the Corporation.

The Corporation responded to the particular concerns of our complainant advising that, while there was disagreement over the value of the vehicle, there were no instructions to the Corporation's appraiser that he not go any higher than $5,000.00. Both the adjustor and the appraiser were questioned regarding this matter and both denied that any direction was given as to the amount to be offered. The adjustor advised that he never instructs an appraiser as to how the arbitration should be conducted.

The Assistant Manager of the Claims Centre confirmed that our complainant's appraiser requested that the Corporation appoint a new appraiser. The Assistant Manager, however, advises that he was unable to grant the request and he suggested the matter proceed to an umpire. However, we were advised that, due to the persistence of our complainant's appraiser, the Assistant Manager agreed to review all available information and subsequently he offered $5,200.00 plus sales tax to finalize the claim. Our complainant accepted this offer, rather than proceeding to an umpire.

The Corporation acknowledged the comments we had provided concerning the arbitration process. We were advised that a Task Force had recently been appointed within the Corporation for the specific purpose of reviewing all aspects of the Corporation's current arbitration procedure and recommending possible improvements. Our letter was sent to members of the Task Force for consideration. We were advised that, when the Task Force has reported on its review, the Corporation would be pleased to arrange a meeting with our office to discuss all aspects of the arbitration procedure.

We contacted our complainant and advised him of our findings. It was noted that the Ombudsman is neither authorized nor qualified to determine the actual cash value of vehicles and that, if the complainant was dissatisfied with the offer made by the Corporation, his recourse would have been to proceed to an umpire which is the statutory avenue of appeal. Nevertheless, we advised our complainant that we appreciated his comments concerning the procedure and that we had referred his comments to the Corporation for consideration. We indicated that we would be discussing the matter further with the Corporation for the purpose of pursuing future improvements. The complainant was satisfied with our review.

It is my opinion that improvements should be made to the arbitration process which will enhance consistency and equity in the handling of disputes to bring about more mutually agreeable settlements. I trust that the Task Force will be giving serious consideration to this matter and that we will have an opportunity to provide our comments.

83-410-12 The Workers Compensation Board of Manitoba
Alleged Unfair Treatment of Claim

The complainant wrote to us on September 18, 1983, alleging unfair treatment of his claim by the Workers Compensation Board in that his compensation claim, arising from a heart attack in 1978, had not yet been settled. Upon receipt of this complaint, my Investigative Assistant wrote to the Workers Compensation Board requesting a report on this claim. A report was submitted by the Board and communication between our offices clarified the situation concerning the complainant's claim.

Reportedly, on December 30, 1978, the complainant was installing a huge hopper-bottomed tank. He developed a chest pain while welding on the inside of the tank, thus suffering a severe heart attack. According to his physician, he has been permanently incapacitated for any type of physical work since that time. While his condition has been stable for some time, it was unrealistic to expect improvement to the point that he would be capable of any gainful employment.

The complainant had contacted the Worker Advisor Office and that office reported that the complainant was working in a very small, poorly ventilated area and that carbon monoxide was given off as he welded. The Advisor requested consideration be given not only to acceptance of the claim but to wage loss as well.

The Board also received further medical documentation which indicated that the complainant had, in fact, been totally disabled from work, due to his cardiac condition, since December 30, 1978.

The Board approved the claim and, on October 6, 1983, sent the claimant a cheque for $6,844.20, representing total temporary disability benefits from January 1, 1979 to August 24, 1979, followed by another cheque on November 16, 1983 for $44,084.70, representing total temporary disability benefits payable from August 27, 1979 to November 4, 1983, inclusive. The complainant was also informed that total temporary disability benefits would be continued until the results of the recent cardiological assessments were completed. At that time, his claim would be reviewed once more to determine the extent of further entitlement.

Our review revealed that one of the causes of delay in settling this claim was the fact that the Board, at one point, spent considerable time (approximately five months) developing a cardiac claim policy which was eventually approved on January 7, 1983. On August 18, 1983, the Review Committee of the Workers Compensation Board held a hearing and reviewed the complainant's claim, in light of the new policy, and found that it did not meet the criteria of that policy. The remaining issue to be resolved was whether the complainant's heart attack arose out of, and in the course of, his employment and, as indicated above, when the Board received the further medical documentation, this question was resolved and the claim approved.

This case was concluded as "Resolved".

83-410-13 The Workers Compensation Board of Manitoba

Disagreement Over Seriousness of Injury

The complainant wrote to this office on September 20, 1983 to complain about insufficient compensation payments and the delay in settling his claim.

The complainant was originally injured in 1968 while employed by a Manitoba engineering firm. While carrying a shank ladle containing 100 pounds of molten iron, he tripped on a mold form and fell, resulting in some of the molten iron getting into his boot.

The severity of the burn resulted in his being off work until July 23, 1968, at which time it was agreed that the complainant was fit to return to light duty. He worked at light duties for some weeks before returning to his regular shift.

Between 1968 and 1974, he continued to have problems with his foot and skin graft and, in 1974, he was laid off work and underwent surgery.

Our office took this matter up with the Board which, as usual, co-operated and agreed to review the entire medical information. Also, an appointment was arranged so that the complainant's condition, in regard to a permanent disability award, could be reassessed.

On March 22, 1984, we received a letter from the Board advising us that a cheque, in the amount of $2,432.22, was sent to the complainant to cover the period from July 19, 1968 to November 30, 1983. Also, the complainant continues to receive a small monthly award.

There is no doubt that fair consideration has been given by the Board and the complainant was satisfied with the Board's decision.

This case was concluded as "Resolved".

Complete List of Complaints

Agriculture—14

83-100-1	Dispute over crop insurance coverage	Not Supported
83-100-2	Difference of opinion re contract	Pending
83-100-3	Difficulties re land rented from Crown (M.A.C.C)	Information Supplied
83-100-4	Alleges unfairness in settlement of crop insurance claim	Not Supported
83-100-5	Alleges Lands Protection Board treating him unfairly	Pending
83-100-6	Refused quota from the Manitoba Egg Producers Marketing Board	Information Supplied
83-100-7	Denial of crop insurance	Not Supported
83-100-8	Problem re the sale of unpasteurized milk	Not Supported
83-100-9	Alleges Manitoba Hog Producers Marketing Board owes him pay for overtime	Not Supported
83-100-10	Feels he is being treated unfairly re an application for financial assistance from M.A.C.C.	Discontinued (Client)
83-100-11	Crop insurance claim dispute	Resolved
83-100-12	Loan application not accepted	Information Supplied
83-100-13	Crop insurance claim dispute	Resolved
83-100-14	Alleges delay by department in making a decision has caused financial loss	Not Supported

Attorney-General — 39

83-110-1	Alleges Human Rights Officer misled her regarding Commission's capability to deal with her complaint	Not Supported
83-110-2	Problem re claim with Criminal Injuries Compensation Board	Resolved
83-110-3	Problem re land and property title	Information Supplied
83-110-4	Objecting to refusal of legal aid	Declined
83-110-5	Objects to Human Rights Commission's decision not to investigate complaint nor to provide him with a copy of his statement	Resolved
83-110-6	Seeking release of items being held by Crown	Declined
83-110-7	Claims problem re enforcement of maintenance order	Information Supplied
83-110-8	Refusal of legal aid	Discontinued (Client)
83-110-9	Refusal of legal aid	Information Supplied
83-110-10	Dissatisfied with handling of case by Public Trustee's Office	Information Supplied
83-110-11	Concern over notification by the Human Rights Commission that a complaint against the firm had been received	Information Supplied
83-110-12	Alleges Registrar's request for Private Investigator's Licence caused loss of business	Not Supported
83-110-13	Dissatisfied with actions of Public Trustee's Office	Not Supported
83-110-14	Complaint against Legal Aid Society	Resolved
83-110-15	Alleges improper conduct of a Crown Attorney	Information Supplied
83-110-16	Dissatisfaction with department's investigation of his complaint against the R.C.M.P.	Assistance Rendered
83-110-17	Refusal of legal aid	Information Supplied
83-110-18	Private dispute re fur coat "stolen" while in for repairs	Information Supplied
83-110-19	Refused legal aid — also feels he has not received appropriate replies to his correspondence	Information Supplied
83-110-20	Questions re the management of her Old Age Pension by Public Trustee's Office	Assistance Rendered
83-110-21	Refused legal aid	Information Supplied
83-110-22	Delay in receiving benefits from Criminal Injuries Compensation Board	Assistance Rendered
83-110-23	Department did not pay cost of transporting daughter's body from place of autopsy to place of burial	Resolved
83-110-24	Difficulties obtaining out-of-province legal aid services for client	Assistance Rendered
83-110-25	Requires legal aid	Information Supplied
83-100-26	Not satisfied with investigation conducted by the Human Rights Commission	Not Supported
83-110-27	Objects to requirement to attend Court on four occasions	Not Supported
83-110-28	Feels Human Rights Commission is not properly investigating complaint	Pending
83-110-29	Claims delay in processing his application for a Liquor Licence	Not Supported
83-110-30	Refusal of legal aid	Resolved
83-110-31	Appealing decision re legal aid services	Information Supplied
83-110-32	Legal aid refuses to assist	Pending
83-110-33	Legal aid and various other legal issues	Information Supplied
83-100-34	Alleges incompetence of Crown Prosecutor's staff	Discontinued (Client)
83-110-35	Complainant seeking authority to settle brother's estate which was put in hands of Public Trustee by Police	Assistance Rendered
83-110-36	Questions the fairness of procedure for the issuance of Special Examiners Certificates	Pending
83-110-37	Refused legal aid	Assistance Rendered
83-110-38	Feels Human Rights Commission did not properly review his complaint	Pending
83-110-39	Alleges Magistrate refused to file private prosecution	Not Supported

Civil Service Commission — 0
(120)

Civil Service Superannuation Board — 0
(130)

Community Services and Corrections — 107

83-140-1	Alleges inappropriate treatment at Remand Centre	Not Supported
83-140-2	Problem involving social assistance	Assistance Rendered
83-140-3	Worried that son will be released from Youth Centre without appropriate plans being made for his well-being	Resolved
83-140-4	Unable to obtain social assistance	Information Supplied
83-140-5	Difficulties re planning for education of mentally retarded son	Information Supplied
83-140-6	H.C.I. inmate requesting visit	Assistance Rendered
83-140-7	Alleges unfair action by Children's Aid Society	Information Supplied
83-140-8	H.C.I. inmate alleges unfair treatment at correctional institution	Not Supported
83-140-9	H.C.I. inmate alleges not getting appropriate medical attention	Not Supported
83-140-10	Complaining about recreational and other privileges	Assistance Rendered
83-140-11	Alleged release of confidential information by Probation Officer	Not Supported
83-140-12	Dispute over procedures leading to adoption	Information Supplied
83-140-13	Alleges inappropriate action by staff re visiting rights	Assistance Rendered
83-140-14	Alleges articles missing or broken when personal property returned by correctional institution	Discontinued (Client)
83-140-15	B.C.I. inmate alleges he is not receiving proper medical care at correctional institution	Not Supported
83-140-16	Wishes inmate not to be transferred to another penitentiary	Information Supplied
83-140-17	Alleges inappropriate apprehension of children by Children's Aid Society	Not Supported
83-140-18	Claim for missing personal property not yet settled — H.C.I. inmate	Resolved
83-140-19	Feels department should compensate them for money and other items stolen by foster son	Resolved
83-140-20	Feels department should finance relocation of her brother and sister to another province	Information Supplied
83-140-21	Alleges Children's Aid Society leaving children in potential abuse situation	Not Supported
83-140-22	Feels removal of foster child from her home not in best interest of child	Assistance Rendered
83-140-23	Concern expressed over group home licenced by department	Resolved
83-140-24	Alleges problem at correctional institution re job search program and weekend pass	Assistance Rendered
83-140-25	Complaint about Children's Aid Society	Not Supported
83-140-26	Complaint against Children's Aid Society	Not Supported
83-140-27	Concerned about treatment at correctional institution	Assistance Rendered
83-140-28	Alleges intimidation by departmental official and refusal to provide information re program	Not Supported
83-140-29	Seeking assistance re medical and travel expenses for care of son	Resolved
83-140-30	Closing of school at correctional institution	Information Supplied
83-140-31	Alleges problems with Children's Aid Society	Discontinued (Client)
83-140-32	Complaint against Children's Aid Society	Not Supported
83-140-33	Alleges Correctional Officer misled wife and son about release date	Resolved
83-140-34	Alleges department officials not properly assessing their residential care facility	Not Supported
83-140-35	H.C.I. inmate feels institution being unfair re time allowed to prepare for examinations	Resolved
83-140-36	Feels department acted unfairly in matter of discharging lien	Not Supported
83-140-37	Alleges unfair treatment by Income Security Office	Not Supported
83-140-38	Alleges inappropriate action by Children's Aid Society	Assistance Rendered
83-140-39	H.C.I. inmate has ulcer and alleges he is not being allowed proper diet at correctional institution	Discontinued (Client)
83-140-40	H.C.I. inmate complains about treatment at correctional institution	Discontinued (Client)
83-140-41	Employee issued T4 Slip showing wrong amount of earnings	Information Supplied
83-140-42	Alleges Minister of department responsible for unfair dismissal from private company	Discontinued (Client)
83-140-43	Box of candy allegedly missing from personal property — B.C.I. inmate	Not Supported
83-140-44	Concerns re nature and relevance of questions asked under "Fine Options Program"	Discontinued (Client)
83-140-45	Feels department moving too quickly to terminate boarding arrangements for handicapped boarders	Resolved
83-140-46	Complaining about conditions at Remand Centre	Assistance Rendered
83-140-47	Laid off work and Income Security has refused to give temporary financial assistance until U.I.C. cheque arrives	Resolved
83-140-48	Alleges administrative problems at Remand Centre	Discontinued (Client)
83-140-49	Complaint against manner in which an internal investigation concerning him is being conducted	Discontinued (Client)
83-140-50	Portage la Prairie Correctional Centre for Women inmate — questions release date from correctional institution	Resolved
83-140-51	Problem involving Children's Aid Society	Information Supplied

83-140-52	Complaint re quality of food at Remand Centre	Not Supported
83-140-53	Alleges inappropriate treatment at correctional institution	Not Supported
83-140-54	Ineligible for registration with Post-Adoption Registry	Not Supported
83-140-55	Objects to decision re social allowance for her son	Information Supplied
83-140-56	H.C.I. inmate — unspecified complaint — would like an interview	Assistance Rendered
83-140-57	Objecting to removal of foster son from their home	Information Supplied
83-140-58	H.C.I. inmate — temporary absence denied	Information Supplied
83-140-59	Feels he is being unfairly regarded as a security risk — H.C.I. inmate	Not Supported
83-140-60	Bicycle stolen from youth centre	Resolved
83-140-61	Alleges inappropriate remarks made by Probation Officer	Discontinued (Client)
83-140-62	B.C.I. inmate feels he is not receiving proper medical attention	Not Supported
83-140-63	H.C.I. inmate — temporary absence pass cancelled	Not Supported
83-140-64	Transfer to other location denied	Not Supported
83-140-65	Social assistance recipient objects to lien placed on home	Resolved
83-140-66	Difficulties in placing child in Provincial child daycare program	Resolved
83-140-67	Concern over handling of child abuse case	Pending
83-140-68	H.C.I. inmate objects to transfer from B.C.I. to H.C.I.	Resolved
83-140-69	Feels he should be entitled to "compassionate temporary leave of absence" from institution	Information Supplied
83-140-70	Concern over lack of communication re treatment plan	Assistance Rendered
83-140-71	Complaint involving the Children's Aid Society and care of children	Pending
83-140-72	Feels son is being harassed at sheltered workshop	Not Supported
83-140-73	Has legally changed his name and claims Correctional Officers will not use his new name	Not Supported
83-140-74	Ombudsman monitoring department's review of administration at correctional institution	Discontinued (Ombudsman)
83-140-75	Request for increase in rent denied	Not Supported
83-140-76	H.C.I. inmate complains against Superintendent of correctional institution re denial of temporary leave of absence	Assistance Rendered
83-140-77	B.C.I. inmate wants to transfer from one correctional institution to another	Information Supplied
83-140-78	H.C.I. inmate complains re medical treatment	Not Supported
83-140-79	Alleges poor communication caused problems for son at youth centre	Information Supplied
83-140-80	Bannock Point Rehabilitation Camp inmate — confusion over date of release from correctional institution	Resolved
83-140-81	H.C.I. inmate alleges inappropriate treatment at Remand Centre	Resolved
83-140-82	Objects to reduction of social allowance	Information Supplied
83-140-83	Concerns re amount of social allowance granted	Information Supplied
83-140-84	Wishes to transfer from W.R.C. to H.C.I.	Not Supported
83-140-85	Incomprehensible ramblings by elderly person about correctional centre	Discontinued (Ombudsman)
83-140-86	Refusal of social assistance	Assistance Rendered
83-140-87	Alleges he was assaulted by Correctional Officers while being temporarily incarcerated in correctional institution	Discontinued (Client)
83-140-88	Feels agency should disclose whereabouts of child taken into care	Pending
83-140-89	Multiple complaints concerning level of care at correctional institution	Pending
83-140-90	H.C.I. inmate alleges undue harsh action in response to his request to take a shower	Not Supported
83-140-91	Dispute over assessment of Welfare benefits	Pending
83-140-92	Wishes to transfer from one correctional facility to another	Information Supplied
83-140-93	Objects to being incarcerated temporarily at Stony Mountain Penitentiary	Not Supported
83-140-94	Seeking advice re Appeal Board's decision	Information Supplied
83-140-95	Feels he is being unfairly treated at correctional institution	Information Supplied
83-140-97	Objecting to transfer from one correctional institution to another	Not Supported
83-140-98	Social assistance to purchase a dryer denied	Not Supported
83-140-99	Complaint against the Children's Aid Society	Pending
83-140-100	Concerned about actions of Child and Family Services' workers	Pending
83-140-101	H.C.I. inmate alleges institution inappropriately censoring his outgoing mail	Not Supported
83-140-102	Refusal of social assistance	Assistance Rendered
83-140-103	B.C.I. inmate has difficulties involving request for temporary absence	Not Supported
83-140-104	H.C.I. inmate concerned about denial of temporary absence passes	Not Supported
83-140-105	Alleges he was unfairly denied temporary absence pass	Pending
83-140-106	Refusal of assistance for special needs	Information Supplied
83-140-107	Dissatisfied with treatment received from an Income Security Officer	Resolved
83-140-108	H.C.I. inmate alleges inappropriate solitary confinement	Not Supported

Consumer and Corporate Affairs — 3

83-150-1	Alleges unreasonable delay by Superintendant of Insurance	Not Supported

83-150-2	Concernes re denial to investigate complaint	Discontinued (Client)
83-150-3	Questions refusal of department to investigate his complaint	Information Supplied

Co-operative Development — 0
(160)

Courts of Law — 19

83-170-1	Alleges miscarriage of justice	Information Supplied
83-170-2	Multitude of comments, mostly relating to court matters and Federal penitentiary system	Declined
83-170-3	Wants his son, who is in youth centre under court order, returned home	Information Supplied
83-170-4	Expressing concerns over justice system	Declined
83-170-5	Difficulties with lawyer and court appeal	Information Supplied
83-170-6	Alleges error made re decision of Small Claims Court	Assistance Rendered
83-170-7	Problem involving breach of probation	Discontinued (Client)
83-170-8	Summons issued to wrong party	Information Supplied
83-170-9	Questioning court costs	Information Supplied
83-170-10	Complaint involving court decision	Declined
83-170-11	Feels he was treated unfairly by magistrate	Assistance Rendered
83-170-12	Problem with the courts	Declined
83-170-13	Disagrees with decision by court to discharge a bankruptcy	Declined
83-170-14	Alleging he is innocent of charge for which he was convicted by court	Information Supplied
83-170-15	Dispute over custody of child	Declined
83-170-16	Estate problem	Information supplied
83-170-17	Alleges errors in court administration caused appeal to be struck down	Resolved
83-170-18	Objects to ticket under The Highway Traffic Act	Information Supplied
83-170-19	Disagrees with decision of the Manitoba Court of Appeal	Declined

Cultural Affairs and Historical Resources — 0
(180)

Economic Development and Tourism — 3

83-190-1	Feels department caused him financial ruin by not honouring the support allegedly promised to his publication	Discontinued (Client)
83-190-2	Advanced loan to business which was in default of payment of debts	Not Supported
83-190-3	Allegations re wrong doings by company's board of directors	Discontinued (Ombudsman)

Education — 13

83-200-1	Alleges unfair treatment at college	Not Supported
83-200-2	Student aid problem	Discontinued (Client)
83-200-3	Problems involving the special needs of students in a certain school division	Information Supplied
83-200-4	Wishes to integrate pension benefits	Information Supplied
83-200-5	Dispute over proposed contract	Not Supported
83-200-6	Unable to obtain student loan for full cost of pilot training	Information Supplied
83-200-7	Alleges unfair denial of permanent teaching certificate	Pending
83-200-8	Inconvenience and financial loss re travel plans due to revised school calendar	Not Supported
83-200-9	Alleges community college instructor gave false reports about him	Information Supplied
83-200-10	Alleges department has not acted on behalf of the interests of their child and has not fulfilled responsibilities under The Public Schools Act	Not Supported
83-200-11	Questions process of community college for making reference checks	Discontinued (Client)
83-200-12	Wants to transfer pension funds from Manitoba plan to Ontario plan	Information Supplied
83-200-13	Difficulties re student loan	Resolved

Energy and Mines — 1

83-210-1	Opposes Mining Board's decision granting surface rights to petroleum company	Information Supplied

Environment and Workplace Safety and Health — 6

83-220-1	Alleges Health Inspector has done nothing about litter and odor problem caused by neighbour	Information Supplied
83-220-2	Alleges Public Health Inspector refused information	Resolved
83-220-3	Alleges negligence re responsibilities under The Water Rights Act	Pending
83-220-4	Difficulties due to leakage of gasoline	Information Supplied
83-220-5	Difficulties due to leakage of gasoline	Information Supplied
83-220-6	Difficulties due to leakage of gasoline	Information Supplied

Federal Departments and Agencies — 30

83-230-1	Unable to get home insulation grant	Information Supplied
83-230-2	Income tax problem involving garnishment of income	Declined
83-230-3	Alleges harassment by R.C.M.P.	Resolved
83-230-4	Unemployment insurance cheques late	Information Supplied
83-230-5	Alleges department refused to act on her complaint	Declined
83-230-6	Dissatisfied about being classified as maximum security prisoner	Information Supplied
83-230-7	Alleges inappropriate medical treatment in Federal penitentiary — S.M.P. inmate	Assistance Rendered
83-230-8	Complaint against R.C.M.P. Officer	Assistance Rendered
83-230-9	Wants revoked parole reinstated	Assistance Rendered
83-230-10	Husband does not qualify for disability pension under Canada Pension Plan	Declined
83-230-11	Income tax refund allegedly not received — being asked to repay overpayment of War Veterans' Allowance	Assistance Rendered
83-230-12	Complaint re handling of complaint of discrimination by the Canadian Human Rights Commission	Assistance Rendered
83-230-13	Improper treatment by R.C.M.P.	Assistance Rendered
83-230-14	Feels he has been overtaxed by Revenue Canada	Assistance Rendered
83-230-15	Income tax problem	Assistance Rendered
83-230-16	Feels he should qualify for special severance U.I.C. benefits	Assistance Rendered
83-230-17	Objecting to order of deportation	Assistance Rendered
83-230-18	Inmate in Federal penitentiary seeking information	Information Supplied
83-230-19	Entry into training course postponed until later date	Information Supplied
83-230-20	Alleges institution not allowing him to obtain appropriate medical treatment	Assistance Rendered
83-230-21	Objects to vehicle storage by R.C.M.P. while incarcerated	Assistance Rendered
83-230-22	Alleges unfair allegations being made by staff at halfway house	Assistance Rendered
83-230-23	Delay in investigation of complaint	Assistance Rendered
83-230-24	Feels increase in disability pension is merited	Information Supplied
83-230-25	Not being allowed to take course	Information Supplied
83-230-26	Has not received his pension cheques from Canada Pension Plan	Assistance Rendered
83-230-27	Concerned about decision of Canadian Radio-Television and Telecommunications Commission	Declined
83-230-28	Alleges Immigration Officer treated him unfairly	Information Supplied
83-230-29	Disagrees with decision of Employment and Immigration Canada not to sponsor her for hairdressing course	Information Supplied
83-230-30	Seeking information re widow and Canada pension benefits	Assistance Rendered

Finance — 6

83-240-1	Problem involving gas rebate	Discontinued (Client)
83-240-2	Alleges unfairness in method government uses to collect Provincial gas tax	Assistance Rendered
83-240-3	S.M.P. inmate has questions re bond held by department	Information Supplied
83-240-4	Difficulties re sales tax on automobile	Information Supplied
83-240-5	Objects to fine for late payment of tax	Information Supplied
83-240-6	Objects to fine for late payment of tax	Information Supplied

Fitness, Recreation and Sport — 0
(250)

Government Services — 5

83-260-1	Delay in receiving tax rebate on lands purchased for highway relocation	Assistance Rendered
83-260-2	Dispute over expropriation	Discontinued (Client)
83-260-3	Alleges department owes him money for acquisition of land	Not Supported
83-260-4	Questions possible conflict of interest situation	Discontinued (Client)
83-260-5	Dispute over expropriation	Pending

Health — 62

83-270-1	B.M.H.C. patient requests help	Discontinued (Ombudsman)
83-270-2	B.M.H.C. patient wants to be released	Not Supported
83-270-3	Wants to get out of mental institution — B.M.H.C. patient	Not Supported
83-270-4	Unfair treatment given to her daughter who is a resident in B.M.H.C.	Not Supported
83-270-5	Alleges Health Services Commission not fulfilling its responsibilities	Information Supplied
83-270-6	S.M.H.C. patient alleges abuse and that he is not receiving full medical attention	Discontinued (Ombudsman)
83-270-7	Feels he should be exempt from Hearing Aid Board examination	Not Supported
83-270-8	B.M.H.C. patient alleges doctors at mental health centre ruining his health	Not Supported
83-270-9	Mental patient fears something is being put in his food to influence him	Not Supported

83-270-10	Wants to be released from mental hospital	Information Supplied
83-270-11	Wants to be discharged from mental hospital	Information Supplied
83-270-12	Does not feel she should be in psychiatric facility	Information Supplied
83-270-13	Complaint about Head Nurse	Not Supported
83-270-14	Wants daughter released from B.M.H.C.	Information Supplied
83-270-15	Feels son not getting appropriate help for psychiatric problem	Not Supported
83-270-16	Seeking clarification re his commitment to mental hospital (S.M.H.C.)	Information Supplied
83-270-17	Questions re care of relative, subsequent death, and autopsy report	Assistance Rendered
83-270-18	Mental patient wants discharge	Not Supported
83-270-19	Feels M.H.S.C. should pay interest due to length of time it takes to process claim	Information Supplied
83-270-20	H.S.C. patient wants discharge from Psychiatric Ward	Information Supplied
83-270-21	Alleges negligence in discharge and follow-up procedures re mental patient	Pending
83-270-22	Requested information concerning avenues available to have a person examined by a Psychiatrist	Information Supplied
83-270-23	Complaint against Community Mental Health Worker	Not Supported
83-270-24	Unable to get elderly mother admitted to nursing home	Information Supplied
83-270-25	Expressing concerns about sister, a patient at a mental health centre	Information Supplied
83-270-26	Mental patient complains about treatment	Not Supported
83-270-27	H.S.C. patient wants to be released from Psychiatric Ward of hospital	Not Supported
83-270-28	B.M.H.C. patient wants release from mental health centre	Assistance Rendered
83-270-29	Attitude of receptionist and lack of information given to him	Assistance Rendered
83-270-30	H.S.C. patient wants to go before "Medical Review Board"	Not Supported
83-270-31	Provision of home care services on a 24-hour basis	Not Supported
83-270-32	Alleges home care services to be withdrawn	Discontinued (Client)
83-270-33	Psychiatric patient wants to go before review board	Resolved
83-270-34	Difficulties re home care program	Information Supplied
83-270-35	Feels he should not be in psychiatric facility and also concerns re welfare cheque	Information Supplied
83-270-36	Denial of copy of psychological reports conducted by the department to the parents of the child tested	Discontinued (Client)
83-270-37	Amount of compensation for medical treatment obtained in the U.S.A.	Discontinued (Client)
83-270-38	B.M.H.C. patient confused about procedures at mental hospital	Assistance Rendered
83-270-39	B.M.H.C. patient dissatisfied with medical treatment	Not Supported
83-270-40	Dissatisfied with the Home Orderly Service	Resolved
83-270-41	Mental patient requests independent psychiatric examination	Information Supplied
83-270-42	H.S.C. patient — mental patient alleges discrimination	Discontinued (Ombudsman)
83-270-43	Feels Pharmacare claim, submitted late, should be accepted	Not Supported
83-270-44	Cancellation of M.H.S.C. coverage	Assistance Rendered
83-270-45	H.S.C. patient has complaint re detention on Psychiatric Ward	Discontinued (Ombudsman)
83-270-46	B.M.H.C. patient feels he is not getting the proper medication	Not Supported
83-270-47	Alleges inappropriate behaviour by staff of psychiatric facility — H.S.C. mental patient	Assistance Rendered
83-270-48	S.M.H.C. patient — mental patient is requesting interview	Assistance Rendered
83-270-49	Complaint about medication	Information Supplied
83-270-50	H.S.C. mental patient wants discharge from mental institution	Assistance Rendered
83-270-51	Requires additional homemaker service	Not Supported
83-270-52	Withdrawal of home care services	Resolved
83-270-53	B.M.H.C. patient wants to be discharged from mental health centre	Resolved
83-270-54	S.M.H.C. patient complains that rights are allegedly being denied	Not Supported
83-270-55	Objecting to Committal Order for mental hospital	Information Supplied
83-270-56	Claims room temperature too low at night	Resolved
83-270-57	Wants to be discharged from psychiatric facility — H.S.C. patient	Resolved
83-270-58	Problems re funding for rehabilitation program	Pending
83-270-59	Wants to be discharged from mental health centre	Information Supplied
83-270-60	S.M.H.C. patient feels some money is due to him and wants his money protected	Information Supplied
83-270-61	B.M.H.C. patient alleges improper commitment to mental hospital	Not Supported
83-270-62	Dissatisfied with Home Orderly Service	Resolved

Highways and Transportation — 39

83-280-1	Feels cancellation of Driver's Licence inappropriate	Information Supplied
83-280-2	Feels merit points should not have been removed from licence	Not Supported
83-280-3	Delay in receiving decision on application before the board	Assistance Rendered
83-280-4	Difficulties involving Driver's Licence	Discontinued (Client)
83-280-5	Alleges new licence plates do not clearly identify registration year	Not Supported
83-280-6	Upset over receiving periodical notices requesting medical information	Information Supplied
83-280-8	Payment for highway contracts	Declined

83-280-9	Dispute between department and municipality	Pending
83-280-10	Objects to restriction placed on Driver's Licence	Not Supported
83-280-11	Feels the suspension of his Driver's Licence is unfair	Not Supported
83-280-12	Feels cancellation of Driver's Licence, due to physical disability, unfair	Not Supported
83-280-13	Cancellation of Driver's Licence	Information Supplied
83-280-14	Dispute over fuelling of aircrafts	Resolved
83-280-15	Problem re tender for construction	Pending
83-280-16	Concerns about suspension of Driver's Licence	Information Supplied
83-280-17	Wants driving record cleared	Declined
83-280-18	Feels he has been unfairly asked to take driver's test	Not Supported
83-280-19	Wants clarification re role of department in rerouting road	Information Supplied
83-280-20	Flooding problem created by construction of bridge	Not Supported
83-280-21	Suspension of Driver's Licence	Assistance Rendered
83-280-22	Confusion with Driver's Licence	Assistance Rendered
83-280-23	Difficulty in obtaining Manitoba Driver's Licence	Information Supplied
83-280-24	Objects to requirement to purchase Interim Transit Licence	Information Supplied
83-280-25	Concern over appeal procedures following Driver's Licence suspension	Pending
83-280-26	Disputes the need for a retest for Driver's Licence	Partially Resolved
83-280-27	Objects to highway project	Not Supported
83-280-28	Objects to assessment of demerit points for out-of-province offence	Not Supported
83-280-29	Alleges department had role to play in funding airport expansion allegedly causing him a grievance	Assistance Rendered
83-280-30	Requesting help in having Driver's Licence reinstated	Information Supplied
83-280-31	Alleges road construction caused problem with house	Assistance Rendered
83-280-32	Objecting to suspension of licence	Information Supplied
83-280-33	Claims unfair settlement in expropriation of land	Declined
83-280-34	Feels Registrar has imposed conditions which negate intent of Licence Suspension Appeal Board's decision	Resolved
83-280-35	Feels he should be enabled to keep Manitoba Driver's Licence even though he will reside out of the province for two years	Resolved
83-280-36	Complaint against driver examiners and driving schools	Declined
83-280-37	Seeking clarification re new laws for licencing motorcyclists	Assistance Rendered
83-280-38	Wishes to have Driver's Licence reinstated	Information Supplied
83-280-39	Feels department should sell them a gravel pit contained within their property	Pending
83-280-40	Alleges Motor Vehicle Branch inappropriately changed serial number on vehicle	Pending

Housing — 68

83-290-1	Problem involving increase in rent	Information Supplied
83-290-2	Delay in obtaining return of security deposit	Pending
83-290-3	Landlord/tenant problem	Information Supplied
83-290-4	Alleges unfair treatment by Rent Regulation Bureau	Not Supported
83-290-5	Rentalsman's Office unable to assist following eviction notice	Assistance Rendered
83-290-6	Alleges rude treatment by official	Not Supported
83-290-7	Security deposit problem	Resolved
83-290-8	Feels province's subsidized mortgage program too restrictive	Information Supplied
83-290-9	Objects to rent increase and is upset because rent control regulations do not apply to her building	Declined
83-290-10	Alleges unfair treatment re application for public housing	Not Supported
83-290-11	Dispute over rent increase	Pending
83-290-12	Delay in receiving approval of application under the Buy and Renovate Home Program	Not Supported
83-290-13	Alleges monies owing by former landlord under Rent Stabilization Act not forthcoming	Assistance Rendered
83-290-14	Difficulties re housing programs and grants	Information Supplied
83-290-15	Length of time to settle security deposit dispute	Pending
83-290-16	Questions disposition of security deposit by Rentalsman	Pending
83-290-17	Difficulties obtaining appropriate senior citizen housing	Resolved
83-290-18	Unhappy with decision of appeal panel re rent increase	Not Supported
83-290-19	Alleges 13 outstanding security deposit matters	Discontinued (Client)
83-290-20	Alleges conflict of interest and corruption in expropriation dealings	Not Supported
83-290-21	Allegedly misled by officials re rent regulation matter	Pending
83-290-22	Decision of Rent Regulation Officer	Not Supported
83-290-23	Difficulties involving rental increase	Information Supplied
83-290-24	Concerns and questions re disposition of cases before Rentalsman	Information Supplied
83-290-25	Dissatisfied with action of Rentalsman's Office concerning landlord/tenant problem	Assistance Rendered
83-290-26	Difficulties re application for financing	Not Supported
83-290-27	Landlord/tenant problem	Information Supplied
83-290-28	Objects to Rent Regulation Bureau's determination that the residential premises are not subject to the rent review	Information Supplied
83-290-29	Alleges she lost out on grant because of relying on word of Manitoba Housing and Renewal Corporation official	Not Supported

83-290-30	Wants to change public housing accommodation	Not Supported
83-290-31	Complaints against Rentalsman's Office	Assistance Rendered
83-290-32	Problem re application for public housing	Information Supplied
83-290-33	Damage deposit dispute	Pending
83-290-34	Dissatisfaction with repairs to home	Not Supported
83-290-35	Unhappy with Rentalsman's decision	Pending
83-290-36	Alleges arbitration process by Rentalsman's Office unfair	Pending
83-290-37	Delay in receiving reply to a rent protest	Information Supplied
83-290-38	Security deposit problem	Assistance Rendered
83-290-39	Problem re increase in rent	Information Supplied
83-290-40	Objecting to decision of appeal panel re rent increase	Not Supported
83-290-41	Delay in responding to request for repairs	Discontinued (Client)
83-290-42	Complaint against Rentalsman	Pending
83-290-43	Delay in return of security deposit	Not Supported
83-290-44	Delay in return of security deposit	Pending
83-290-45	Delay in authorizing repairs	Assistance Rendered
83-290-46	Alleges rudeness and delay on part of Rentalsman's Office	Resolved
83-290-47	Objects to retroactive rental increase by appeal panel	Information Supplied
83-290-48	Claims undue delay and insufficient response from Rentalsman's Office	Pending
83-290-49	Claims no response from Rentalsman to her correspondence	Pending
83-290-50	Delay in return of damage deposit	Pending
83-290-51	Complaint against Deputy Rentalsman	Not Supported
83-290-52	Alleges lack of action by Office of Rentalsman concerning security deposit dispute	Information Supplied
83-290-53	Feels Rentalsman's Office taking too long to have landlord effect repairs to apartment	Resolved
83-290-54	Seeking help from Rentalsman to have landlord effect repairs to apartment	Pending
83-290-55	Disputes Rentalsman holding rent monies in trust	Pending
83-290-56	Feels rental payments have been incorrectly calculated	Information Supplied
83-290-57	Alleges lack of action by Rentalsman's Office in landlord/tenant problem	Not Supported
83-290-58	Problem involving Critical Home Repair Program	Information Supplied
83-290-59	Delay in return of monies being held in trust	Pending
83-290-60	Refusal of accommodation by Winnipeg Regional Housing Authority	Assistance Rendered
83-290-61	Concern re delay in acting on complaint to Rentalsman's Office	Information Supplied
83-290-62	Concerned about irregularities of rents in apartment block	Information Supplied
83-290-63	Disputes Rentalsman's decision re monies held in trust	Pending
83-290-64	Security deposit dispute	Not Supported
83-290-65	W.R.H.A. — Impending eviction from public housing unit	Resolved
83-290-66	Alleges Rentalsman's Office was no help in landlord/tenant dispute	Discontinued (Client)
83-290-67	Allegations of kickback and favoritism involving an Inspector of M.H.R.C.	Not Supported
83-290-68	Unhappy with decision of appeal panel re rent increase	Not Supported

Labour — 11

83-300-1	Feels Labour Board should help him pursue civil litigation against former employer	Discontinued (Client)
83-300-2	Delay in recovering lost wages	Resolved
83-300-3	Feels policy of no penalty for early retirement was introduced unfairly	Information Supplied
83-300-4	Feels unfairly treated under policy of no penalty for early retirement	Information Supplied
83-300-5	Wishes to qualify for "Hire-a-Student" program even though he missed application deadline date	Not Supported
83-300-6	Has not yet received wages ordered by Labour Board	Resolved
83-300-7	Questions fairness of Labour Board's decision	Not Supported
83-300-8	Complaint with Employment Standards Branch not settled	Assistance Rendered
83-300-9	Unable to obtain wages allegedly owed by employer	Assistance Rendered
83-300-10	Concerned over Labour Board's decision to grant union certification	Information Supplied
83-300-11	Objects to manner in which Manitoba Labour Board handled wife's case	Discontinued (Ombudsman)

Manitoba Hydro — 30

83-310-1	Difficulties re hydro bill	Not Supported
83-310-2	Dispute over use of corporation's water storage lands	Not Supported
83-310-3	Wants results of meter tests	Information Supplied
83-310-4	Proposed disconnection by Manitoba Hydro	Assistance Rendered
83-310-5	Alleges discriminatory policy re service recognition	Information Supplied
83-310-6	Dispute over reading of meter	Resolved
83-310-7	Disputes meter readings and billing methods	Information Supplied
83-310-8	Questions legality of disconnection notice	Information Supplied

83-310-9	Feels Manitoba Hydro should honour agreement to finance wood-burning furnace	Resolved
83-310-10	Increase in lease fees contrary to original agreement	Assistance Rendered
83-310-11	Dispute over billing	Resolved
83-310-12	Damage caused by dislocated hydro wire	Resolved
83-310-13	Billing dispute	Discontinued (Client)
83-310-14	Feels error being made in hydro bills	Not Supported
83-310-15	Problem re street lights	Resolved
83-310-16	Objects to disconnection of service	Not Supported
83-310-17	Feels hydro does not adequately protect against power surges due to ice storms	Not Supported
83-310-18	Billing dispute	Resolved
83-310-19	Alleges bills too high	Information Supplied
83-310-20	Billing dispute	Not Supported
83-310-21	Problem re location of hydro transformer	Assistance Rendered
83-310-22	Problem involving easement and service to new residence	Resolved
83-310-23	Problem re hydro bill and alleged lack of response by Manitoba Hydro	Assistance Rendered
83-310-24	Billing dispute	Not Supported
83-310-25	Billing dispute	Resolved
83-310-26	Electricity has been cut off due to non-payment of arrears	Not Supported
83-310-27	Alleges Manitoba Hydro responsible for food loss due to mix-up over transfer of power from one house to another	Not Supported
83-310-28	Disagrees with Manitoba Hydro's assessment of the wing of his new home	Discontinued (Client)
83-310-29	Billing dispute	Pending
83-310-30	Impending disconnection of service	Assistance Rendered

Manitoba Public Insurance Corporation — 84

83-320-1	Dispute over responsibility for accident	Resolved
83-320-2	Dispute over Autopac claim	Discontinued (Client)
83-320-3	Dispute over Autopac claim	Information Supplied
83-320-4	Autopac refusing to pay for speakers stolen, allegedly while car in Autopac compound	Not Supported
83-320-5	Dispute over amount of Autopac claim	Information Supplied
83-320-6	Difficulties re insurance policy	Information Supplied
83-320-7	Unable to recover deductible following hit and run by City of Winnipeg vehicle	Not Supported
83-320-8	Dispute over location for Autopac outlet	Not Supported
83-320-9	Feels he did not receive all his accident insurance entitlements	Information Supplied
83-320-10	Dispute over repairs	Assistance Rendered
83-320-11	Denial of claim due to suspended licence	Not Supported
83-320-12	Dispute over Autopac claim	Not Supported
83-320-13	Dispute over Autopac claim	Resolved
83-320-14	Dispute over entitlement to farm truck plates	Resolved
83-320-15	Dispute over Autopac claim	Resolved
83-320-16	Problem re Autopac claim	Information Supplied
83-320-17	Dispute over Autopac claim	Assistance Rendered
83-320-18	Dispute over insurance claim	Resolved
83-320-19	Dispute over Autopac claim	Information Supplied
83-320-20	Alleges Autopac has accepted a false claim against her insurance	Not Supported
83-320-21	Inconsistencies in rate group tables for auto insurance	Information Supplied
83-320-22	Seeking help in settling Autopac claim	Information Supplied
83-320-23	Dispute over claim for stolen stereo and speakers	Information Supplied
83-320-24	Dispute over Autopac claim	Resolved
83-320-25	Dispute over Autopac claim	Information Supplied
83-320-26	Dispute over assessment of demerit points	Information Supplied
83-320-27	Autopac claim dispute	Not Supported
83-320-28	Autopac claim dispute	Not Supported
83-320-29	Disputes assessment of surcharge based on accident	Information Supplied
83-320-30	Disputes fact he has to pay a difference in labour rates from time M.P.I.C. authorized repairs to time he repaired his vehicle	Not Supported
83-320-31	Delay in authorizing delivery of parts needed for repair to vehicle	Resolved
83-320-32	Disagreement over Autopac claim	Resolved
83-320-33	Dispute over actual cash value of vehicle	Partially Resolved
83-320-34	Autopac claim dispute	Information Supplied
83-320-35	Disability over liability for accident	Not Supported
83-320-36	Dispute over assessment of liability	Resolved
83-320-37	Payments for Autopac injury claim not arriving on time	Information Supplied
83-320-38	Dispute over termination of Autopac bodily injury claim	Not Supported
83-320-39	Claim denied	Resolved
83-320-40	Claim dispute re delay in receiving cheques and attitude of adjustor	Resolved
83-320-41	Feels claim handled unfairly and inappropriately by Autopac officials	Not Supported
83-320-42	Dispute over Autopac claim	Not Supported

83-320-43	Disputes Autopac's assessment of liability	Information Supplied
83-320-44	Objecting to surcharge on Driver's Licence	Not Supported
83-320-45	Disputing charge of two deductibles	Information Supplied
83-320-46	Autopac claim dispute	Assistance Rendered
83-320-47	Enquiry into status of claim	Information Supplied
83-320-48	Dispute over house insurance claim	Not Supported
83-320-49	Claim dispute re property damage as a result of a motor vehicle accident	Not Supported
83-320-50	Claim not settled after eight years	Not Supported
83-320-51	Problems re Autopac claim	Assistance Rendered
83-320-52	Unable to obtain insurance coverage	Information Supplied
83-320-53	Dispute over extent of repairs required	Information Supplied
83-320-54	Alleges M.P.I.C. erred in cancelling registration for debt owed to corporation	Assistance Rendered
83-320-55	Claim dispute	Information Supplied
83-320-56	Dispute over actual cash value	Pending
83-320-57	Claim dispute	Resolved
83-320-58	Disputes liability assessment	Information Supplied
83-320-59	Dispute over value of vehicle	Information Supplied
83-320-60	Autopac claim not settled	Information Supplied
83-320-61	Alleges false accident claim being made against him	Information Supplied
83-320-62	Dispute over extent of damage to his vehicle	Not Supported
83-320-63	Delay in settling fire claim dispute	Information Supplied
83-320-64	Problem re claim	Not Supported
83-320-65	Bodily injury claim dispute	Not Supported
83-320-66	Questions Autopac's "No Fault Insurance" as it relates to her claim	Not Supported
83-320-67	Alleges M.P.I.C. has not properly investigated insurance claim and has improperly denied claim	Resolved
83-320-68	Claim dispute	Not Supported
83-320-69	Claim dispute	Partially Resolved
83-320-70	Feels that the corporation did not adequately evaluate the extent of damage following an accident	Information Supplied
83-320-71	Autopac claim not yet settled	Assistance Rendered
83-320-72	Autopac claim dispute	Information Supplied
83-320-73	General insurance claim dispute	Pending
83-320-74	Autopac claim dispute	Assistance Rendered
83-320-75	Claim dispute over repairs to stereo	Assistance Rendered
83-320-76	Claim dispute and concerns about attitude of Autopac adjustor	Information Supplied
83-320-77	Feels M.P.I.C. should be concerned about quality of work done by garage	Not Supported
83-320-78	Alleges improper cancellation of registration	Pending
83-320-79	Disputes liability assessment	Not Supported
83-320-80	Objecting to denial of claim	Resolved
83-320-81	Concern over negotiation and arbitration procedures used by Autopac	Pending
83-320-82	Claim dispute	Assistance Rendered
83-320-83	Feels she was misled re choice of redress for automobile accident	Not Supported
83-320-84	Dispute over payment of disability benefits	Not Supported

Manitoba Telephone System — 13

83-330-1	Dispute over privacy of unlisted telephone	Not Supported
83-330-2	Alleges he was misled re installation of private line facilities	Resolved
83-330-3	Service being disconnected	Information Supplied
83-330-4	Billing for long distance calls	Discontinued (Client)
83-330-5	Alleges that M.T.S. policy disallows repair of telephones on weekends	Information Supplied
83-330-6	Concerned about pending charges for long distance phone calls	Assistance Rendered
83-330-7	Feels she should be compensated by M.T.S. because of their failure to list her business in yellow pages	Resolved
83-330-8	Feels should get refund for computer which cannot be used in her home due to interference	Resolved
83-330-9	Unable to obtain phone service due to outstanding phone bill	Discontinued (Client)
83-330-10	Alleges corporation failed to return deposit	Resolved
83-330-11	Billing dispute	Resolved
83-330-12	Difficulties having private line installed	Resolved
83-330-13	Wants deposit returned	Not Supported

Municipal Affairs — 8

83-340-1	Assessment dispute	Discontinued (Client)
83-340-2	Questions re property assessment appeal	Assistance Rendered
83-340-3	Feels department may allow "inappropriate" boundary change	Assistance Rendered
83-340-4	Subdivision plans not approved	Assistance Rendered
83-340-5	Disputes assessment	Information Supplied
83-340-6	Drainage problem	Information Supplied

83-340-7	Alleges irregularities by municipalities re extension of airport and also problem with sewage lagoon	Information Supplied
83-340-8	Objects to Municipal Assessment Branch's action of appealing exemption	Information Supplied

Municipalities, Cities, Towns, Etc. — 30

83-350-1	Concerned about lack of appropriate programs, in her school division, for children with learning disabilities	Declined
83-350-2	Seeking advice re social assistance matters	Information Supplied
83-350-3	Flooding of farmland due to drainage problem	Information Supplied
83-350-4	Alleges irregularities by municipality	Discontinued (Client)
83-350-5	Student allegedly hit by teacher	Information Supplied
83-350-6	Objecting to fact that city charges non-residents a fee for a library card	Information Supplied
83-350-7	Alleges road not being maintained by municipality	Declined
83-350-8	Flooding problem	Information Supplied
83-350-9	Problems allegedly resulting from rezoning	Declined
83-350-10	Waterworks arrears added to property taxes	Declined
83-350-11	Gas meter installed outside rather than inside as requested by customer	Resolved
83-350-12	Objecting to local improvement charges for paving of back lane	Information Supplied
83-350-13	Objects to tuition fee charged by school division	Resolved
83-350-14	Concern over medical information being requested of applicants for municipal social assistance	Information Supplied
83-350-15	Drainage problem	Information Supplied
83-350-16	Closing of bridge by watershed authority causing hardship	Declined
83-350-17	City Social Services Department refuses to pay security deposits for tenants on social assistance	Resolved
83-350-18	Problems re city pension plan	Pending
83-350-19	Alleges police harassment	Assistance Rendered
83-350-20	Seeking information re guidelines for increasing charges for services or utilities	Assistance Rendered
83-350-21	Refusal of municipality to grant building permit	Declined
83-350-22	Local government district proposing subdivision of leased cottage lots	Pending
83-350-23	Feels her son, a Police Officer, being made a scapegoat	Information Supplied
83-350-24	Overpayment of taxes and dispute as to interest	Information Supplied
83-350-25	Alleges municipality improperly enacted a bylaw	Assistance Rendered
83-350-26	Alleges city misled them re operation of parking lot and city bylaw	Declined
83-350-27	Feels Police Officer should not have given him ticket for going through red light	Declined
83-350-28	Property dispute with city	Declined
83-350-29	Dispute over ownership of property	Pending
83-350-30	Alleges local government district has not accepted and acted upon decision of appeal court	Pending

Natural Resources — 22

83-360-1	Feels size of fish quota should be increased	Resolved
83-360-2	Seeking clarification re eligibility for commercial fishing licence	Information Supplied
83-360-3	Feels he should be compensated for livestock loss	Not Supported
83-360-4	Feels denial of cottage lot permit unfair	Assistance Rendered
83-360-5	Drainage problem	Pending
83-360-6	Department's objection preventing approval of proposed subdivision	Information Supplied
83-360-7	Delay in processing of application for the purchase of Crown land	Assistance Rendered
83-360-8	Dissatisfied with investigation by department concerning conduct of employee	Pending
83-360-9	Alleges unfairness re granting of fishing licence	Pending
83-360-10	Feels interest should be paid on over-assessment	Not Supported
83-360-11	Farmer seeking compensation for bear-killed livestock	Not Supported
83-360-12	Unable to build home on lands owned within provincial park boundary	Discontinued (Client)
83-360-13	Difficulties re installation of sewer and grant re the project	Discontinued (Client)
83-360-14	Alleges charge for night hunting was improper	Not Supported
83-360-15	Dispute with government over proposed use of lake	Information Supplied
83-360-16	Seeking compensation for damage to house	Not Supported
83-360-17	Alleges that the Crown Lands Appeal Board acted improperly	Not Supported
83-360-18	Objects to increased fee for general permit to lease Crown land	Information Supplied
83-360-19	Feels that the department improperly leased Crown land to a neighbour	Discontinued (Client)
83-360-20	Problem with well	Pending
83-360-21	Disputes the amount assessed for land rental	Not Supported
83-360-22	Feels that Crown land permit was cancelled unfairly	Not Supported

Northern Affairs — 2

83-370-1	Concerns related to the activities of community committee	Pending
83-370-2	Alleges unfairness in awarding of grants to fishermen	Not Supported

Private Matters — 95

83-380-1	Dispute over Workers Compensation claim in Northwest Territories	Information Supplied
83-380-2	H.C.I. inmate has complaint re outstanding charges in another province	Assistance Rendered
83-380-3	Dispute over amount of rent	Information Supplied
83-380-4	Complaint against lawyer and Law Society	Declined
83-380-5	Dispute between service station owner and oil company	Declined
83-380-6	Complaint against lawyer	Information Supplied
83-380-7	Complaint against lawyer and Law Society	Information Supplied
83-380-8	Complaint against bank	Information Supplied
83-380-9	Incoherent statement re many problems	Assistance Rendered
83-380-10	Personal, medical and financial problems	Information Supplied
83-380-11	Dispute with credit union	Assistance Rendered
83-380-12	Concerns re Federal-Provincial fiscal arrangements	Declined
83-380-13	Questions re adoption problem	Information Supplied
83-380-14	Seeking compensation from airline for travel inconvenience	Declined
83-380-15	Financial problems associated with university costs	Information Supplied
83-380-16	Alleges he has a complaint against the "whole system" concerning impaired driving charges	Information Supplied
83-380-17	Dispute with law firm	Information Supplied
83-380-18	Family dispute over care of relative	Information Supplied
83-380-19	Complaint involving credit union	Assistance Rendered
83-380-20	Needs a lawyer	Information Supplied
83-380-21	Complaint against Children's Aid Society in another province	Information Supplied
83-380-22	Employer/employee program	Assistance Rendered
83-380-23	Family dispute over care of elderly parents	Information Supplied
83-380-24	Seeking grant to start small business	Information Supplied
83-380-25	Alleges husband, from whom she is legally separated, is harassing her	Information Supplied
83-380-26	Landlord/tenant dispute	Assistance Rendered
83-380-27	Wishes to have special motorized transportation units for handicapped licenced for use on city streets	Information Supplied
83-380-28	H.C.I. inmate wants charges dropped	Declined
83-380-29	Complaint against lawyer	Information Supplied
83-380-30	Questions re change of name	Information Supplied
83-380-31	Questions concerning holiday pay	Information Supplied
83-380-32	Denial of fire insurance claim, no reasons given	Assistance Rendered
83-380-33	Difficulties involving leased propane tank	Assistance Rendered
83-380-34	Difficulties re purchase of farm equipment	Assistance Rendered
83-380-35	Problem re group insurance policy	Assistance Rendered
83-380-36	Consumer problem	Information Supplied
83-380-37	Tenant has been asked to vacate premises	Information Supplied
83-380-38	Wants same discounts as pensioners	Information Supplied
83-380-39	Alleges neighbour causing problems	Assistance Rendered
83-380-40	Problem with car	Assistance Rendered
83-380-41	Action of lawyer, retained by her parents through Legal Aid	Information Supplied
83-380-42	Landlord/tenant problem re rent arrears	Declined
83-380-43	Did not receive merchandise ordered through the mail	Assistance Rendered
83-380-44	Dispute re dismissal of his wife from job	Information Supplied
83-380-45	Complaint against a personal care home	Information Supplied
83-380-46	Wants change in title on property	Declined
83-380-47	Alleges discrimination practices by university re its administrative policies for the Faculties of Dentistry and Medicine	Assistance Rendered
83-380-48	Seeking advice re 17 year old boy put out of home by parents	Information Supplied
83-380-49	Employer/employee problem	Information Supplied
83-380-50	Prescribing and selling of steroids to athletes	Declined
83-380-51	Complaint against co-operative	Assistance Rendered
83-380-52	Problem re mortgage payments	Assistance Rendered
83-380-53	Problem re spray used on field	Information Supplied
83-380-54	Alleged harassment and other personal problems	Declined
83-380-55	Seeking help re legal matter	Assistance Rendered
83-380-56	Private feud between community residents	Information Supplied
83-380-57	Dispute with company over purchase of pens	Assistance Rendered
83-380-58	Natural parents of son in care of B.C. (Child Welfare) not notified officially of his death	Information Supplied
83-380-59	Seeking information re daycare facilities	Information Supplied
83-380-60	Seeking advice re problem involving repairs to car	Information Supplied
83-380-61	Dissatisfied with vehicle purchased from dealership	Assistance Rendered
83-380-62	Complaint against a doctor	Information Supplied
83-380-63	Receiving obscene phone calls	Assistance Rendered

83-380-64	Dissatisfied with amount charged by contractor	Assistance Rendered
83-380-65	Requests information on financial assistance available to purchase hearing aid	Information Supplied
83-380-66	Landlord and tenant problem	Information Supplied
83-380-67	Questions year of car	Assistance Rendered
83-380-68	Concern over actions of caretaker of building	Information Supplied
83-380-69	Seeking information re Pharmacare for senior citizen	Information Supplied
83-380-70	Purchased orange juice with foreign matter in it	Assistance Rendered
83-380-71	Problem re student bursary from Quebec	Information Supplied
83-380-72	Problems re airline ticket and service	Assistance Rendered
83-380-73	Multitude of problems centering around neighbourhood dispute	Declined
83-380-74	Anonymous complaint re university department head	Declined
83-380-75	Seeking advice re obtaining assistance on legal problem	Information Supplied
83-380-76	Claim against New Home Certification Program	Assistance Rendered
83-380-77	Complaint about processing charge by cable vision company	Assistance Rendered
83-380-78	Feels company discriminated against him, on basis of age, by retiring him early	Information Supplied
83-380-79	Concern over actions of police	Information Supplied
83-380-80	Difficulties re father-in-law's estate	Declined
83-380-81	Problem over land transaction	Declined
83-380-82	Problem with payout figure on his mortgage	Information Supplied
83-380-83	Problem relating to volunteer-type organization	Information Supplied
83-380-84	Has not yet received merchandise ordered and paid for by mail	Resolved
83-380-85	Seeking help re funding for medical treatment	Pending
83-380-86	Concern about lack of co-operation between medical clinics	Assistance Rendered
83-380-87	Landlord/tenant problem	Assistance Rendered
83-380-88	Seeking advice re loss of crop allegedly due to organic fertilizer product	Information Supplied
83-380-89	Concerned over actions of Minister of religious community	Declined
83-380-90	Alleges harassment by police and Provincial and Federal agencies	Declined
83-380-91	Seeking advice re proper procedures for formation of community club	Assistance Rendered
83-380-92	Student in Switzerland seeking information re sponsorship for Canadian immigration	Assistance Rendered
83-380-93	Alleged medical malpractice	Information Supplied
83-380-94	No gas in home because of outstanding bill	Information Supplied
83-380-95	Problem re visiting privileges in custody case	Information Supplied

Provincial Auditor — 0
(390)

Urban Affairs — 0
(400)

Workers Compensation Board — 17

83-410-1	Requests review of case by medical review panel	Resolved
83-410-2	Questions concerning a claim of four years ago	Information Supplied
83-410-3	Claim dispute	Not Supported
83-410-4	Dispute over compensation claim	Assistance Rendered
83-410-5	Feels Compensation Board not acting in his best interests	Pending
83-410-6	Dissatisfied with Board's opinion	Information Supplied
83-410-7	Seeking compensation	Not Supported
83-410-8	Feels Workers Compensation Pension should be increased in accordance with cost of living	Information Supplied
83-410-9	Alleges claim re accident nine years ago has not yet been settled	Resolved
83-410-10	Unhappy with Board's decision re claim	Information Supplied
83-410-11	Feels she should be receiving help from Compensation Board	Not Supported
83-410-12	Alleges unfair treatment of claim by Board	Resolved
83-410-13	Disagreement with Board over seriousness of injury	Resolved
83-410-14	Feels she should be entitled to compensation as husband's death related to work environment	Assistance Rendered
83-410-15	Wants W.C.B. claim investigated	Assistance Rendered
83-410-16	Disagrees with Board's termination of claim	Pending
83-410-17	Delay in receiving benefits	Assistance Rendered

Manitoba Lotteries and Gaming Control Commission — 1

83-420-1	Alleges irregularities re lottery	Information Supplied

The Ombudsman Act

CHAPTER O45

THE OMBUDSMAN ACT.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

Definitions.

1 In this Act

(a) "agency of the government" means any board, commission, association, or other body of persons, whether incorporated or unincorporated, all the members of which, or all the members of the board of management or board of directors of which,

(i) are appointed by an Act of the Legislature or by order of the Lieutenant Governor in Council, or

(ii) if not so appointed, in the discharge of their duties are public officers or servants of the Crown, or for the proper discharge of their duties are, directly or indirectly, responsible to the Crown;

(b) "department" means a department or branch of the executive government of the province;

(c) "minister" means a member of the Executive Council.

En. S.M., 1969, (2nd Sess.), c. 26, s. 1.

Appointment of Ombudsman.

2(1) The Lieutenant Governor in Council shall, on the recommendation of the Standing Committee of the Assembly on Privileges and Elections, appoint a Canadian citizen as Ombudsman for the Province of Manitoba.

Am. S.M. 1982, c. 51, s. 21.

Recommendations of committee on privileges and elections.

2(2) Where

(a) the office of Ombudsman is vacant; or

(b) the term of the Ombudsman in office will expire within 12 months; or

(c) the Ombudsman has tendered his resignation to take effect within 12 months;

the President of the Executive Council shall convene a meeting of the Standing Committee of the Assembly on privileges and elections which shall consider persons suitable and available to be appointed as Ombudsman and shall make recommendations in respect thereto to the President of the Executive Council.

En. S.M. 1980, c. 22, s. 1.

Meeting of Standing Committee.

2(3) The Standing Committee of the Assembly on Privileges and Elections may, for the purposes of performing its functions under this section, meet during session of the Legislature or during recess after prorogation.

Am. S.M. 1982, c. 51, s. 21.
En. S.M. 1969, (2nd Sess.), c. 26, s. 2.
Am. S.M. 1980, c. 22, s. 1; S.M. 1982, c. 51, s. 21.

Officer of Legislature.

3(1) The Ombudsman is an officer of the Legislature and is not eligible to be nominated for, elected as, or sit as, a member of the assembly.

Restrictions on employment.

3(2) The Ombudsman shall not hold any other public office or carry on any trade, business, or profession.

En. S.M., 1969, (2nd Sess.), c. 26, s. 3.

Term of office.

4(1) Unless he sooner resigns, dies or is removed from office, the Ombudsman shall hold office for six years from the date of his appointment, and a person may be re-appointed for a second term of six years, but not for more than two terms of six years.

Resignation.

4(2) The Ombudsman may resign his office in writing addressed to the Speaker of the assembly, or, if there is no Speaker or the Speaker is absent, to the clerk of the assembly.

Ombudsman over 65.

4(3) Where the Ombudsman reaches 65 years of age during his term of office, notwithstanding section 54 of The Civil Service Superannuation Act, he is not required to retire from the office but he shall, for the purposes of that Act, be deemed to have retired and been re-employed by the government for the balance of his unexpired term of office and may apply for and be granted a deferred allowance under section 27 of that Act.

En. S.M. 1980, c. 22, s. 2.
En. S.M. 1969, (2nd Sess.), c. 26, s. 4.
Am. S.M. 1980, c. 22, s. 2.

Removal or suspension.

5 The Lieutenant Governor in Council, on a resolution of the assembly carried by a vote of two-thirds of the members of the assembly voting thereon, may remove the Ombudsman from office or suspend him.

En. S.M., 1969, (2nd Sess.), c. 26, s. 5.

Suspension when Legislature not sitting.

6(1) At any time the Legislature is not in session, the Lieutenant Governor in Council may suspend the Ombudsman for disability, neglect of duty, misconduct or bankruptcy proved to the satisfaction of the Lieutenant Governor in Council, but the suspension shall not continue in force beyond the end of the next ensuing session of the Legislature.

Acting Ombudsman.

6(2) Where the office of the Ombudsman is vacant, or the Ombudsman is suspended under subsection (1), the Lieutenant Governor in Council shall appoint an acting Ombudsman to hold office until another Ombudsman is appointed under section 2 or the suspension has been dealt with in the assembly.

En. S.M., 1969, (2nd Sess.), c. 26, s. 6.

Salary.

7(1) The Ombudsman shall be paid a salary fixed by the Lieutenant Governor in Council, which shall be charged to and paid out of the Consolidated Fund.

Reduction of salary.

7(2) The salary of the Ombudsman shall not be reduced except on resolution of the assembly carried by a vote of two-thirds of the members of the assembly voting thereon.

En. S.M., 1969, (2nd Sess.), c. 26, s. 7.

Expenses.

8 The Ombudsman shall be paid such travelling and out of pocket expenses incurred by him in the performance of his duties as may be approved by the Provincial Auditor.

En. S.M., 1969, (2nd Sess.), c. 26, s. 8.

Application of Civil Service Superannuation Act.

9(1) The Ombudsman, and all persons employed under him, are employees within the meaning of The Civil Service Superannuation Act.

Application of Civil Service Act.

9(2) The Ombudsman is not subject to The Civil Service Act except section 44 thereof which applies to him but he is entitled to the privileges and perquisites of office, including holidays, vacations, sick leave and severance pay, of a member of the civil service who is not covered by a collective agreement.

En. S.M. 1980, c. 22, s. 3.

Employees under Ombudsman.

9(3) The Civil Service Act applies to persons employed under the Ombudsman.

En. S.M. 1969, (2nd Sess.), c. 26, s. 9.
Am. S.M. 1980, c. 22, s. 3.

Oath of office.

10 Before beginning to perform his duties, the Ombudsman shall take an oath before the Speaker of the Assembly or the Clerk of the Assembly that he will faithfully and impartially perform the duties of his office and that he will not, except as herein provided, divulge any information received by him under this Act.

En. S.M., 1969, (2nd Sess.), c. 26, s. 10.

Oath of staff.

11 Every person employed under the Ombudsman shall, before he begins to perform the duties, take an oath before the Ombudsman that he will not, except as herein provided, divulge any information received by him under this Act.

En. S.M., 1969, (2nd Sess.), c. 26, s. 11.

Secrecy.

12(1) The Ombudsman and every person employed under him shall maintain secrecy in respect of all matters that come to their knowledge in the exercise of their duties or functions under this Act.

Disclosure in reports.

12(2) Notwithstanding subsection (1) or any oath taken under this Act, the Ombudsman may disclose in a report made by him under this Act any matters which he considers necessary to disclose in order to establish grounds for his conclusions and recommendations.

En. S.M., 1969, (2nd Sess.), c. 26, s. 12.

Powers under Part V of Evidence Act.

13 The Ombudsman has the protection and powers of a commissioner appointed under Part V of The Manitoba Evidence Act; but section 87 of The Manitoba Evidence Act does not apply to the Ombudsman and no notice of appointment, of the purpose and scope of inquiries to be made by the Ombudsman, or of the time and place of the holding of any hearing or inquiry by the Ombudsman, need be published as required under section 88 of The Manitoba Evidence Act.

En. S.M., 1969, (2nd Sess.), c. 26, s. 13.

Delegation.

14(1) The Ombudsman may in writing delegate to any person any of his powers under this Act except the power of delegation under this section and the power to make a report under this Act.

Evidence of delegation.

14(2) A person purporting to exercise the power of the Ombudsman by virtue of the delegation under subsection (1) shall produce evidence of his authority to exercise that power when required to do so.

En. S.M., 1969, (2nd Sess.), c. 26, s. 14.

Investigations.

15 The Ombudsman may, on a written complaint or on his own initiative, investigate any decision or recommendation made, including any recommendation made to a minister, or any act done or omitted, relating to a matter of administration in or by any department or agency of the government, or by any officer, employee or member thereof, whereby any person is or may be aggrieved.

En. S.M., 1969, (2nd Sess.), c. 26, s. 15.

Reference by committees of assembly.

16(1) A committee of the assembly may at any time refer to the Ombudsman, for investigation and report by him, any petition or matter that is before that committee for consideration; and the Ombudsman shall

(a) subject to any special directions of the committee, investigate the petition or matter referred to him so far as it is within his jurisdiction; and
(b) make such report to the committee as he thinks fit.

Reference by Lieutenant Governor in Council.

16(2) The Lieutenant Governor in Council may at any time refer to the Ombudsman, for investigation and report by him, any matter relating to administration in or by any department or agency of the government, or by any officer, employee or member thereof; and the Ombudsman shall,

(a) subject to any special direction of the Lieutenant Governor in Council, investigate the matter referred to him so far as it is within his jurisdiction; and
(b) make such report to the Lieutenant Governor in Council as he thinks fit.

En. S.M., 1969, (2nd Sess.), c. 26, s. 16.

Exercise of powers, etc.

17 The Ombudsman may exercise and perform the powers, duties and functions conferred or imposed on him under this Act notwithstanding any provision of any other Act of the Legislature

(a) that any decision, recommendation, act or omission that he is investigating is final; or
(b) that no appeal lies in respect thereof; or
(c) that no proceeding or decision of the department, agency of the government, officer, employee, or person whose decisicn, recommendation, act or omission it is shall be challenged, reviewed, quashed or called in question.

En. S.M., 1969, (2nd Sess.), c. 26, s. 17.

Restriction on jurisdiction.

18 Nothing in this Act authorizes the Ombudsman to investigate

(a) any decision, recommendation, act, order or omission of the Legislature, the assembly, the Lieutenant Governor, a committee of the assembly, the Lieutenant Governor in Council, the Executive Council, or a committee of the Executive Council; or

(b) any order, decision or omission of a court, a judge of a court, a referee or master of a court, a magistrate or a justice of the peace made or given in any action or proceeding in the court, or before the judge, referee, master, magistrate or justice of the peace; or

(c) any award, decision, recommendation or omission of an arbitrator or board of arbitrators in an arbitration to which The Arbitration Act applies; or

(d) any decision, recommendation, act or omission in respect of which there is, under any Act a right of appeal or objection or a right to apply for a review on the merits of the case to any court or tribunal constituted by or under an Act of the Legislature, whether or not that right of appeal, objection or application has been exercised in the particular case and whether or not any time prescribed for the exercise of that right has expired, unless the Ombudsman is satisfied that in the particular case it would have been unreasonable to expect the complainant to resort to the tribunal or court, but in that case investigation shall not commence until after the time prescribed for the exercise of that right to appeal, object or apply, has expired.

En. S.M., 1969, (2nd Sess.), c. 2§6, s. 18.

Restriction on investigation by minister.

19(1) Where the Attorney-General certifies in writing to the Ombudsman that the investigation of a matter would be contrary to the public interest under the circumstances, the Ombudsman shall not investigate that matter, or, if he has commenced an investigation of that matter, he shall discontinue the investigation.

Report of certificate.

19(2) Where a certificate is given under subsection (1), the Ombudsman shall include that fact and a brief description of the circumstances of the matter in his next annual report to the assembly.

En. S.M., 1969, (2nd Sess.), c. 2§6, s. 19.

Questions relating to jurisdiction.

20 Where a question arises as to the jjurisdiction of the Ombudsman to investigate any case or class of cases under this Act, he may apply to the Court of Queen's Bench for a declaratory order determining the question.

En. S.M., 1969, (2nd Sess.), c. 2§6, s. 20.

Complaints in writing.

21 Every complaint to the Ombudsman shall be made in writing.

En. S.M., 1969, (2nd Sess.), c. 2§6, s. 21.

Privacy of communication to Ombudsman.

22 Notwithstanding any Act, where a letter written by a person in custody on a charge or after conviction for an offence, or by an inmate in any hospital, mental hospital, home or institution operated by or under the direction of the government, or by any person in custody of another person for any other reason, is addressed to the

Ombudsman, it shall be forwarded immediately, unopened, to the Ombudsman by the person for the time being in charge of the place or institution where the writer of the letter is detained or in which he is an inmate, or by the person having custody of the writer.

En. S.M., 1969, (2nd Sess.), c. 26, s. 22.

Refusal to investigate.

23(1) The Ombudsman, in his discretion, may refuse to investigate or may cease to investigate a complaint if

(a) it relates to any decision, recommendation, act or omission of which the complainant has had knowledge for more than one year before the complaint is received by the Ombudsman; or
(b) in his opinion it is frivolous or vexatious or not made in good faith or concerns a trivial matter; or
(c) in his opinion, upon a balance between the public interest and the person aggrieved, it should not be investigated or the investigation should not be continued; or
(d) in his opinion the circumstances of the case do not require investigation.

Limitation on review of discretionary powers.

23(2) Where, in the course of or after an investigation of any decision, act or omission, done or omitted by a department or agency of the government, or any officer or employee thereof in the exercise of a discretion vested in that department, agency, officer, or employee, the Ombudsman is satisfied that the decision, act or omission is not clearly wrong or unreasonable, the Ombudsman shall make no further investigation of the matter and shall report to the complainant that he is so satisfied.

En. S.M., 1969, (2nd Sess.), c. 26, s. 23.

Report of refusal to investigate.

24 Where the Ombudsman decides not to investigate or to cease investigating a complaint he shall inform the complainant, and any other interested person, of his decision.

En. S.M., 1969, (2nd Sess.), c. 26, s. 24.

Notice of investigation.

25 Before investigating a complaint, the Ombudsman shall inform the deputy minister or the administrative head of the department or agency of the government affected of his intention to make the investigation.

En. S.M., 1969, (2nd Sess.), c. 26, s. 25.

Private investigations.

26 Every investigation by the Ombudsman under this Act shall be conducted in private.

En. S.M., 1969, (2nd Sess.), c. 26, s. 26.

Hearings.

27 The Ombudsman may hold hearings and hear or obtain information from any person and make inquiries as he thinks fit.

En. S.M., 1969, (2nd Sess.), c. 26, s. 27.

Right to be heard.

28 The Ombudsman is not required to hold a hearing and no person is entitled, as of right, to be heard by the Ombudsman; but, if at any time it appears to the Ombudsman that there is sufficient grounds for his making a report or recommendation in respect of any matter that may adversely affect any department, agency of the government, or person, he shall give to that department, agency, or person, an opportunity to make representations in respect of the matter, and the department, agency, or person may make representations in respect of the matter by counsel.

En. S.M., 1969, (2nd Sess.), c. 26, s. 28.

Consultation with minister.

29(1) The Ombudsman may, at any time during or after an investigation, consult any minister who is concerned in the matter of the investigation.

Reference to deputy minister.

29(2) Where, during or after an investigation, the Ombudsman is of the opinion that there is evidence of a breach of duty or misconduct by a department or agency of the government or any officer or employee thereof, he shall refer the matter to the deputy minister or administrative head of the department or agency of the government.

En. S.M., 1969, (2nd Sess.), c. 26, s. 29.

Evidence.

30(1) Subject to section 31, the Ombudsman may require any person who, in his opinion, is able to give any information relating to any matter being investigated by him

(a) to furnish the information to him; and
(b) to produce any document, paper or thing that in his opinion relates to the matter being investigated and that may be in the possession or under the control of that person;

whether or not that person is an officer, employee or member of the department or agency of the government and whether or not the document, paper or thing is in the custody or under the control of a department or agency of the government.

Examination on oath.

30(2) The Ombudsman may summon before him and examine on oath

(a) any person who is an officer or employee or member of any department or agency of the government and who in the opinion of the Ombudsman is able to give any information relating to any matter being investigated by him;
(b) any complainant; and
(c) any other person who in the opinion of the Ombudsman is able to give any information relating to any matter being investigated by him.

En. S.M., 1969, (2nd Sess.), c. 26, s. 30.

Restrictions on disclosures.

31 Where the Attorney-General certifies that the giving of any information or the answering of any question or the production of any document, paper or thing might involve the disclosure of

(a) the deliberations of the Lieutenant Governor in Council, the Executive Council, or any committee thereof; or
(b) proceedings of the Lieutenant Governor in Council, the Executive Council, or any committee thereof; or

(c) matters of a secret or confidential nature, or the disclosure of which would be injurious to the public interest;

the Ombudsman shall not require the information or answer to be given or the document, paper or thing to be produced, but shall report the giving of the certificate and the matter in respect of which it was given in his next annual report to the assembly.

En. S.M., 1969, (2nd Sess.), c. 26, s. 31.

Application of certain rules.

32(1) Subject to section 31, a rule of law that authorizes or requires the withholding of any document, paper or thing, or the refusal to answer any question, on the ground that the disclosure or answering would be injurious to the public interest does not apply in respect of any investigation by or proceedings before the Ombudsman.

Provisions relating to secrecy.

32(2) Subject to section 31, no provision of any Act of the Legislature requiring a person to maintain secrecy in relation to, or not to disclose information relating to, any matter shall apply in respect of an investigation by the Ombudsman; and no person required by the Ombudsman to furnish information or to produce any document, paper or thing or summoned by the Ombudsman to give evidence, shall refuse to furnish the information, produce the document, paper or thing, or to answer questions on the ground of any such provision.

Am. S.M. 1979, c. 28, s. 28.
En. S.M. 1969, (2nd Sess.), c. 26, s. 32.
Am. S.M. 1979, c. 28, s. 28.

Admissibility of evidence.

33 Except on the trial of a person for perjury, no statement made, or answer or evidence given by that or any other person in the course of an investigation by or any proceedings before the Ombudsman is admissible in evidence against any person in any court or at any inquiry or in any other proceedings, and no evidence respecting proceedings before the Ombudsman shall be given against any person.

En. S.M., 1969, (2nd Sess.), c. 26, s. 33.

Defence for certain offences.

34 No person is guilty of an offence against any other Act of the Legislature by reason of his compliance with any request or requirement of the Ombudsman to furnish information or produce any document, paper or thing, or by reason of answering any question in any investigation of the Ombudsman.

En. S.M., 1969, (2nd Sess.), c. 26, s. 34.

Right of entry.

35(1) For the purposes of this Act, the Ombudsman may at any time enter upon the premises occupied by any department or agency of the government and, subject to section 31, carry out therein any investigation within his jurisdiction.

Notice of entry.

35(2) Upon entering any premises under subsection (1), the Ombudsman shall notify the deputy minister or administrative head of the department or agency of the government that occupies the premises.

En. S.M., 1969, (2nd Sess.), c. 26, s. 35.

Report on investigation.

36(1) Where, after making an investigation under this Act, the Ombudsman is of opinion

(a) that a decision, recommendation, act or omission that is the subject matter of the investigation appears to have been
  (i) contrary to law, or
  (ii) unreasonable, or
  (iii) unjust, or
  (iv) oppressive, or
  (v) improperly discriminatory, or
  (vi) in accordance with a practice or procedure that is or may be unreasonable, unjust, oppressive, or improperly discriminatory, or
  (vii) based wholly or partly on a mistake of law or fact, or
  (viii) wrong; or
(b) that in making a decision or recommendation, or in doing or omitting an act, a power or right has been exercised
  (i) for an improper purpose, or
  (ii) on irrelevant grounds, or
  (iii) on the taking into account of irrelevant considerations; or
(c) that reasons should have been given for a decision, recommendation, act or omission that was the subject matter of the investigation;

the Ombudsman shall report his opinion and his reasons therefor to the appropriate minister and to the department or agency of the government concerned, and may make such recommendations as he thinks fit.

Nature of recommendations.

36(2) Without limiting the generality of subsection (1), in making a report under subsection (1), the Ombudsman may recommend

(a) that a matter should be referred to the appropriate authority for further consideration; or
(b) that an omission should be rectified; or
(c) that a decision should be cancelled or varied; or
(d) that any practice on which a decision, recommendation, act or omission was based should be altered or reviewed; or
(e) that any law on which a decision, recommendation, act or omission was based should be reconsidered; or
(f) that reasons should be given for any decision, recommendation, act or omission; or
(g) that any other steps should be taken.

En. S.M., 1969, (2nd Sess.), c. 26, s. 36.

Notice of proposed steps.

37(1) Where the Ombudsman makes a recommendation under section 36, he may request the department or agency of the government to notify him within a specified time of the steps that it has taken or proposes to take to give effect to his recommendations.

Further report on recommendations.

37(2) If within a reasonable time after a request respecting recommendations is made under this section, no action is taken which seems to the Ombudsman to be adequate and appropriate, the Ombudsman, in his discretion, after considering the comments, if any, made by or on behalf of the department or agency of the government affected, may report the matter, including a copy of the report containing the recommendations, to the Lieutenant Governor in Council, and may thereafter mention the report in his next annual report to the assembly.

Comments included in report.

37(3) Any report made under subsection (2) shall include any comments made by or on behalf of the department or agency of the government upon the opinion or recommendation of the Ombudsman.

En. S.M., 1969, (2nd Sess.), c. 26, s. 37.

Report to complainant.

38 Where the Ombudsman makes an investigation on the basis of a complaint received by him, he shall report to the complainant, in such manner and at such time as he thinks proper, the result of the investigation.

En. S.M., 1969, (2nd Sess.), c. 26, s. 38.

Review of Ombudsman's decision.

39 No proceeding of the Ombudsman is void for want of form and, except on the ground of lack of jurisdiction, no proceedings or decisions of the Ombudsman shall be challenged, reviewed, quashed or called in question in any court.

En. S.M., 1969, (2nd Sess.), c. 26, s. 39.

Proceedings against Ombudsman prohibited.

40 No proceedings lie against the Ombudsman or against any person employed under him for anything he may do or report or say in the course of the exercise or performance, or intended exercise or performance of his functions and duties under this Act, unless it is shown he acted in bad faith.

En. S.M., 1969, (2nd Sess.), c. 26, s. 40.

Ombudsman not to be called as witness.

41 The Ombudsman and any person employed under him shall not be called to give evidence in any court or in any proceedings of a judicial nature in respect of anything coming to his knowledge in the exercise or performance of his functions and duties under this Act.

En. S.M., 1969, (2nd Sess.), c. 26, s. 41.

Annual report to Legislature.

42 The Ombudsman shall report annually to the assembly through the Speaker on the exercise and performance of his functions and duties under this Act.

En. S.M., 1969, (2nd Sess.), c. 26, s. 42.

Publication of reports.

43 In the public interest, or in the interest of a person, department or agency of the government, the Ombudsman may publish reports relating generally to the exercise and performance of his functions and duties under this Act or to any particular case investigated by him, whether or not the matters to be dealt with in the report have been the subject of the report made to the assembly under this Act.

En. S.M., 1969, (2nd Sess.), c. 26, s. 43.

Rules.

44(1) The assembly may make general rules for the guidance of the Ombudsman in the exercise and performance of his functions and duties under this Act.

Procedure of Ombudsman.

44(2) Subject to this Act and any rules made under subsection (1), the Ombudsman may determine his procedure.

En. S.M., 1969, (2nd Sess.), c. 26, s. 44.

Offence and penalty.

45 Every person who

(a) without lawful justification or excuse wilfully obstructs, hinders, or resists the Ombudsman or any other person in the exercise or performance of his functions and duties under this Act; or

(b) without lawful justification or excuse refuses or wilfully fails to comply with any lawful requirement of the Ombudsman or any other person under this Act; or

(c) wilfully makes any false statement to or misleads or attempts to mislead the Ombudsman or any other person in the exercise or performance of his functions and duties under this Act;

is guilty of an offence and liable, on summary conviction, to a fine of not more than five hundred dollars or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

En. S.M., 1969, (2nd Sess.), c. 26, s. 45.

Additional remedies.

46 The provisions of this Act are in addition to the provisions of any other Act or rule of law under which any remedy or right of appeal or objection is provided for any person, or any procedure is provided for the inquiry into or investigation of any matter, and nothing in this Act limits or affects any such remedy or right of appeal or objection or procedure.

En. S.M., 1969, (2nd Sess.), c. 26, s. 46.

11

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